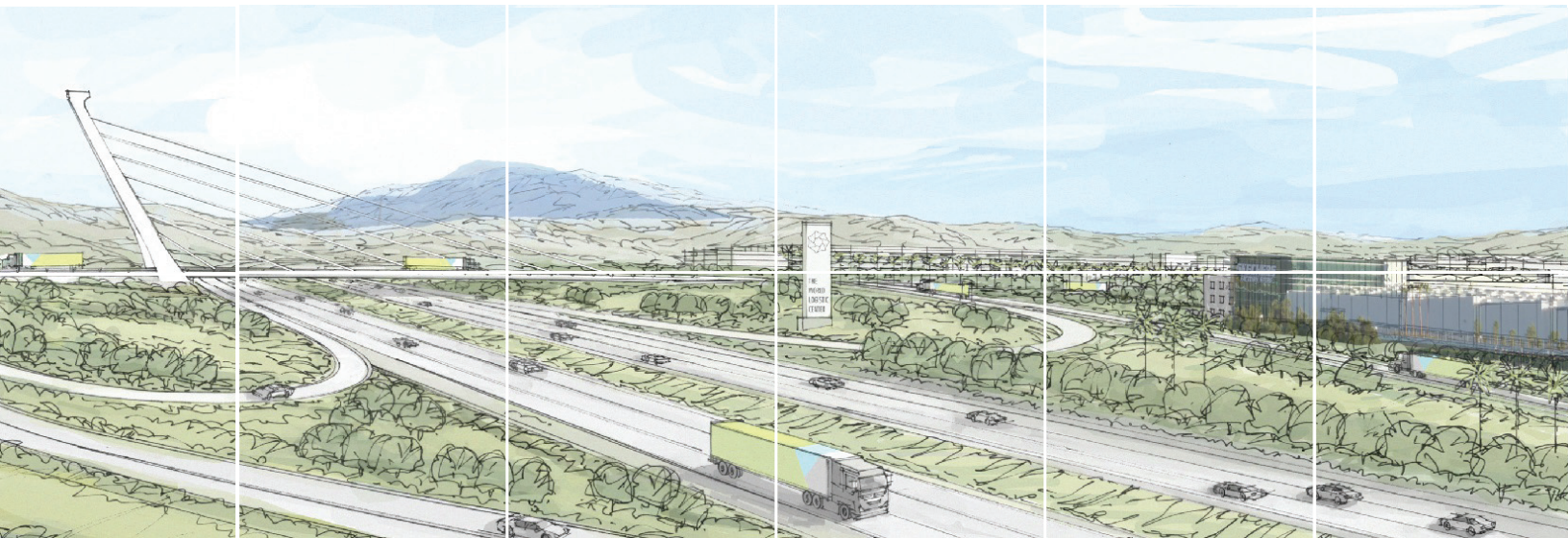




THE WORLD
LOGISTICS
CENTER[®]

FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT

Volume 1 - Response to Comments



State Clearinghouse No. 2012021045

City of Moreno Valley
Riverside County, California

May 2015

LSA

**FINAL PROGRAMMATIC
ENVIRONMENTAL IMPACT REPORT**

Volume 1 – Responses to Comments

**WORLD LOGISTICS CENTER PROJECT
STATE CLEARINGHOUSE NO. 2012021045
CITY OF MORENO VALLEY
RIVERSIDE COUNTY, CALIFORNIA**

LSA

May 2015

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Volume 1 – Responses to Comments**

**WORLD LOGISTICS CENTER PROJECT
STATE CLEARINGHOUSE NO. 2012021045
CITY OF MORENO VALLEY
RIVERSIDE COUNTY, CALIFORNIA**

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May 2015

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TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	CONTENT AND FORMAT	1
1.2	PUBLIC REVIEW OF THE DEIR.....	1
1.3	POINT OF CONTACT	2
1.4	CHANGES TO THE WLC PROJECT	2
1.5	PROJECT OBJECTIVES	11
1.5.1	City's Economic Development Action Plan Objectives	11
1.6	CHANGES TO THE EIR TECHNICAL STUDIES.....	12
1.6.1	Agricultural Resources Study.....	13
1.6.2	Air Quality/Health Risks	13
1.6.3	Biological Resources Studies	16
1.6.4	Cultural Resources Study	16
1.6.5	Greenhouse Gases/Climate Change	16
1.6.6	Hydrology Study.....	17
1.6.7	Noise Study.....	17
1.6.8	Fiscal/Employment Studies.....	17
1.6.9	Traffic Impact Assessment (TIA).....	17
1.6.10	Utilities	18
1.7	CHANGES TO THE DRAFT EIR.....	18
1.7.1	Executive Summary	18
1.7.2	Introduction	18
1.7.3	Project Description	18
1.7.4	Aesthetics	19
1.7.5	Agricultural and Forest Resources.....	19
1.7.6	Air Quality/Health Risks	19
1.7.7	Biological Resources	19
1.7.8	Cultural Resources	20
1.7.9	Geology and Soils.....	20
1.7.10	Greenhouse Gases/Climate Change	20
1.7.11	Hazards and Hazardous Materials.....	20
1.7.12	Hydrology and Water Quality	20
1.7.13	Land Use and Planning.....	20
1.7.14	Mineral Resources	21
1.7.15	Noise	21
1.7.16	Population, Housing, and Employment.....	21
1.7.17	Public Services	21
1.7.18	Traffic and Circulation	21
1.7.19	Utilities	22
1.7.20	Other CEQA Topics	22
1.7.21	Alternatives	22
1.8	RECIRCULATION	22

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

2.0	RESPONSE TO COMMENTS	27
2.1	LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES COMMENTING ON THE DRAFT EIR	27
2.2	ENVIRONMENTAL ISSUES RAISED BY COMMENTERS	34
2.3	FORMAT OF RESPONSES TO COMMENTS	38
A.	LETTERS FROM FEDERAL AGENCIES/TRIBAL GROUPS	39
	Letter A-1: United States Army Corps of Engineers (Department of the Army), (March 4, 2013)	39
	Letter A-2: Morongo Band of Mission Indians (February 12, 2013)	45
	Letter A-3: Pechanga Temecula Band of Luiseño Mission Indians (April 8, 2013)	48
	Letter A-4: United States Environmental Protection Agency (April 8, 2013)	73
	Letter A-5: Soboba Band of Luiseño Indians (April 8, 2013)	81
	Letter A-6: United States Fish and Wildlife Service (April 22, 2013)	85
B.	LETTERS FROM STATE AGENCIES	101
	Letter B-1: State of California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit (March 25, 2013)	101
	Letter B-2: California Department of Transportation District 8 (April 5, 2013)	106
	Letter B-3: California Department of Fish and Wildlife (April 8, 2013)	113
	Letter B-4: State of California Department of Parks and Recreation (April 8, 2013)	166
	Letter B-5: California Air Resources Board (April 16, 2013)	178
	Letter B-6: Santa Ana Regional Water Quality Control Board (April 25, 2013)	188
C.	LETTERS FROM REGIONAL AGENCIES	195
	Letter C-1: Southern California Edison (April 3, 2103)	195
	Letter C-2: Metropolitan Water District Of Southern California (April 8, 2013) and Appendix 1 (On Flash Drive)	200
	Letter C-3: South Coast Air Quality Management District (April 9, 2013)	206
	Letter C-4: Sempra Energy (April 29, 2013)	250
D.	LETTERS FROM COUNTY DEPARTMENTS/AGENCIES	254
	Letter D-1: Riverside County Flood Control and Water Conservation District (RCFCWCD) (March 25, 2013)	254
	Letter D-2: Riverside County Transportation and Land Management Agency (TLMA) (April 9, 2013)	257
E.	LETTERS FROM LOCAL AGENCIES/CITY DEPARTMENTS	262
	Letter E-1: City Of Perris (April 3, 2013)	262
	Letter E-2A: City of Riverside (April 8, 2013)	266
	Letter E-2B: City of Riverside (April 8, 2013) and Appendix 1 (on Flash Drive)	297

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Letter E-3:	Moreno Valley Unified School District (April 8, 2013) and Appendix 1	312
Letter E-4:	City Of San Jacinto (April 9, 2013).....	334
Letter E-5:	City of Redlands (October 7, 2013)	337
F.	LETTERS FROM COMMUNITY/CONSERVATION GROUPS	343
Letter F-1:	Center For Biological Diversity/San Bernardino Valley Audubon Society (April 5, 2013) and Appendices 1-67 (on Flash Drive)	343
Letter F-2:	American Lung Association (April 5, 2013).....	488
Letter F-3:	California Clean Energy Committee (April 8, 2013) and Appendix List, Petition, and Appendices 1-187 (on Flash Drive).....	492
Letter F-4:	California Outdoor Heritage Alliance (April 8, 2013)	533
Letter F-5:	Inland Empire Waterkeeper (April 8, 2013).....	539
Letter F-6:	Endangered Habitats League (April 8, 2013).....	562
Letter F-7A:	Lozeau Drury LLP (April 5, 2013)	567
Letter F-7B:	Lozeau Drury LLP (April 5, 2013) and Appendices 1-3 (on Falsh Drive)	668
Letter F-7C:	Lozeau Drury LLP (April 5, 2013) and Appendices 1-11 (on Flash Drive)	682
Letter F-8:	Shute, Mihaly & Weinberger LLP (April 8, 2013)	713
Letter F-9A:	Sierra Club, Sierra Club, Center for Community Action and Environmental Justice, and Natural Resources Defense Council (April 8, 2013) and Appendix 1 (on Flash Drive).....	792
Letter F-9B:	Tom Brohard & Associates (March 29, 2013) and Appendices 1-3 (on Flash Drive)	825
Letter F-9C:	Sustainable Systems Research, LLC; (April 8, 2013) and Appendices 1 And 2 (On Flash Drive)	855
Letter F-10:	Tri-County Conservation League (April 8, 2013).....	863
Letter F-11:	Sierra Club, San Gorgonio Chapter (April 8, 2013) and Appendices 1-21 (On Flash Drive).....	875
Letter F-12:	George Hague e-mail (April 8, 2013)	931
Letter F-13:	Johnson & Sedlack on Behalf of Sierra Club, Moreno Valley Group & Residents for a Livable Moreno Valley (April 8, 2013) and Appendix 1–5 (On Flash Drive)	936
Letter F-14:	Sierra Club, San Gorgonio Chapter (April 30, 2013).....	1016
Letter F-15:	California Clean Energy Committee (June 25, 2013) and Appendices 188–204 (On Flash Drive).....	1019
G.	LETTERS FROM PRIVATE INDIVIDUALS	1029
Letter G-1:	Mike and Linda Cree (March 10, 2013).....	1029
Letter G-2:	Perry Johnson (email) (March 14, 2013).....	1032
Letter G-3:	Scott Thompson (email) (March 25, 2013).....	1038
Letter G-4A:	Devlin Engineering (March 21, 2013).....	1045
Letter G-4B:	Devlin Engineering (March 21, 2013).....	1052
Letter G-5:	Devlin Engineering (March 25, 2013) and Appendix 1 (on Flash Drive)	1056
Letter G-6:	Melissa Moore (email) (March 20, 2013)	1069

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Letter G-7:	Daccomando (email) (April 2, 2013)	1072
Letter G-8:	Tom Hyatt (email) (March 30, 2013)	1075
Letter G-9:	Charles Moothart (March 27, 2013)	1078
Letter G-10:	Alexander and Rachel Moreno (March 27, 2013)	1087
Letter G-11:	Donald Papiernik (March 27, 2013)	1090
Letter G-12:	Paul and Kathy Dembowski (March 27, 2013)	1093
Letter G-13:	Michael Cox (March 27, 2013)	1096
Letter G-14:	Ruben Soto (March 27, 2013)	1099
Letter G-15:	Gloria Wike (April 1, 2013)	1102
Letter G-16:	Jim, Rosemary, and Paul Hernandez (March 28, 2013)	1106
Letter G-17:	Joanne Lindgren (April 1, 2013)	1109
Letter G-18:	Sam Ziady (March 24, 2013)	1117
Letter G-19:	Betty Masters (email) (April 3, 2013)	1120
Letter G-20:	Jack Weleba (April 5, 2013)	1124
Letter G-21:	Skete Simmons (April 5, 2013)	1129
Letter G-22:	Curt Perry (April 5, 2013)	1133
Letter G-23:	Jeff Hamman (April 5, 2013)	1137
Letter G-24:	Jeff Dandridge (April 5, 2013)	1141
Letter G-25:	Mark McMorris (April 5, 2013)	1145
Letter G-26:	Michael Marshall (April 5, 2013)	1149
Letter G-27:	Radene Hiers (email) (April 6, 2013)	1153
Letter G-28:	Clinton Blain (email) (April 5, 2013)	1158
Letter G-29:	Stephen Coates (email) (April 5, 2013)	1162
Letter G-30:	Robie and Douglas Coffing (email) (April 7, 2013)	1166
Letter G-31:	Darryl Lafayette (email) (April 7, 2013)	1170
Letter G-32:	Barbara and Bryon Johnson (email) (April 3, 2013)	1174
Letter G-33:	Tom Behrens (email) (April 8, 2013)	1177
Letter G-34:	Lindsay Robinson (email) (April 7, 2013)	1183
Letter G-35:	Peggy Hadaway and John Neal (email) (April 7, 2013)	1188
Letter G-36:	Scott Heveran (2 emails) (April 7 and April 8, 2013)	1193
Letter G-37:	Robert Wilson (email) (April 7, 2013)	1197
Letter G-38:	Jay and Sylvia Koo (April 3, 2013)	1201
Letter G-39:	Eusebio and Elisa Urias (April 3, 2013)	1204
Letter G-40:	Mayra Pelayo (April 3, 2013)	1207
Letter G-41:	Margaret Koehler (April 3, 2013)	1210
Letter G-42:	Kathleen Dale (April 8, 2013) and Appendix 1 (on Flash Drive)	1213
Letter G-43:	Catherine Yorkovich (email) (April 8, 2013)	1218
Letter G-44:	Jerry Villaneuva (email) (April 8, 2013)	1222
Letter G-45:	Ted and Marica Amino (email) (April 8, 2013)	1226
Letter G-46:	Tracy Hodge (email) (April 8, 2013)	1234
Letter G-47:	Louann Moore (email) (April 8, 2013)	1238
Letter G-48:	Donna Castelos (email) (April 8, 2013)	1243
Letter G-49:	Karen Jakpor (April 8, 2013)	1246
Letter G-50:	Ann McKibben (April 8, 2013)	1259
Letter G-51:	Michael McCoy (email) (April 7, 2013)	1264
Letter G-52:	Steve Jiannino (April 8, 2013)	1291
Letter G-53:	Deanna Reader and Kenny Bell (email) (April 8, 2013)	1294
Letter G-54:	Jose and Alicia Espinosa (email) (April 8, 2013)	1301

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Letter G-55:	Duncan Bush (April 5, 2013).....	1304
Letter G-56:	Ned and Dawn Newkirk (April 8, 2013).....	1311
Letter G-57:	Tracy Hodge (April 7, 2013).....	1317
Letter G-58:	Faith Wong (email) (April 8, 2013).....	1327
Letter G-59:	Thomas Harris (email) (April 8, 2013).....	1331
Letter G-60:	Timothy Newkirk (email) (April 9, 2013).....	1335
Letter G-61:	Tiffany Newkirk (email) (April 9, 2013).....	1338
Letter G-62:	Barbara Smith (email) (April 8, 2013).....	1341
Letter G-63:	Shelly Mesa (email) (April 8, 2013).....	1344
Letter G-64:	Rosamonde Cook (April 8, 2013).....	1348
Letter G-65:	Ladona Jempson (email) (April 8, 2013).....	1358
Letter G-66:	Karyn Drennan (email) (April 8, 2013).....	1361
Letter G-67:	Michael Eberhard (April 8, 2013).....	1368
Letter G-68:	Craig and Joan Givens (email) (April 9, 2013).....	1373
Letter G-69:	Kathy Schmitt (April 9, 2013).....	1378
Letter G-70:	Amora Johnson (email) (April 9, 2013).....	1382
Letter G-71:	Lawrence Woodward (April 9, 2013).....	1386
Letter G-72:	Cris Lins (April 8, 2013).....	1391
Letter G-73:	Randolph Levin (April 8, 2013).....	1395
Letter G-74:	D. Moore (April 8, 2013).....	1398
Letter G-75:	Donald A. Holt (April 8, 2013).....	1402
Letter G-76:	Gary Klann (April 8, 2013).....	1405
Letter G-77:	Efrain Rocha (April 8, 2013).....	1409
Letter G-78:	Ingrid Tipton (April 4, 2013).....	1412
Letter G-79:	William Dyer (April 8, 2013).....	1415
Letter G-80:	Stan Perry (April 8, 2013).....	1419
Letter G-81:	William Crocker (April 8, 2013).....	1423
Letter G-82:	John Cargasacchi (April 8, 2013).....	1426
Letter G-83:	Louis and Lavine LaBelle (March 28, 2013).....	1430
Letter G-84:	John Mamulski (April 8, 2013).....	1433
Letter G-85:	Ana Hernandez (email) (April 10, 2013).....	1436
Letter G-86:	Eric Johnson (April 9, 2013).....	1439
Letter G-87:	E. Madera (email) (April 10, 2013).....	1442
Letter G-88:	Conchita Marusich (April 10, 2013) and Appendix 1 (on Flash Drive).....	1445
Letter G-89:	Tom Paulek and Susan Nash (April 5, 2013) and Appendices 1-7 (on Flash Drive).....	1449
Letter G-90:	Mr. and Mrs. H.W. Wolterbeek (April 8, 2013).....	1462
Letter G-91:	Gary Matheny (March 27, 2013).....	1508
Letter G-92:	Val and Marcella Garcia (April 11, 2013).....	1511
Letter G-93:	Heather Walsh (April 15, 2013).....	1516
Letter G-94:	Artie Melton (April 16, 2013).....	1519
Letter G-95:	Thomas Thornsley (email) (April 8, 2013).....	1522
Letter G-96:	Margie Breikreuz (April 8, 2013).....	1548
Letter G-97:	Otana Jakpor (April 8, 2013).....	1554
Letter G-98:	Hans and Barbara Wolterbeek (email) (April 17, 2013).....	1559
Letter G-99:	Loretta and William Kilday (April 19, 2013).....	1563
Letter G-100:	Mary Coil (email) (May 13, 2013).....	1566
Letter G-101:	Allan Smiley (May 20, 2013).....	1570

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

	Letter G-102: Victoria Suiter (May 8, 2013)	1573
	Letter G-103: Robert Hewitt (April 5, 2013).....	1576
	Letter G-104: Maureen Clemens (May 29, 2013)	1581
	Letter G-105: Greg Brown (November 25, 2013).....	1584
	Item G-106: Oral Comment – Unknown Source	1587
3.0	MITIGATION MONITORING AND REPORTING PROGRAM	1593
3.1	INTRODUCTION	1593
3.2	MITIGATION MONITORING AND RESPONSIBILITIES.....	1593

FIGURES

Figure 1-1: Revised WLC Project Area	5
Figure 1-2: Revised WLC Specific Plan (with Planning Areas).....	7
Figure 1-3: Revised Trail Location	9

TABLES

Table 1.A: WLC Project Characteristics (Original and Revised).....	3
Table 1.B: WLC Project Land Uses by Planning Areas	4
Table 1.C: EIR Changes vs. Recirculation (matrix)	25
Table 2.A: Master Responses to Major Topics Raised by Commenters	34
Table 2.B: Detailed Index of Environmental Issues Raised by Commenters.....	35

APPENDIX

Comment Letter Appendices (on Flash Drive)

FEIR VOLUME 2 REVISED DRAFT EIR – APPENDICES

** Appendices are referenced here but are contained in FEIR Volume 2*

A NOP-NOC-NOA Materials

- A-1 Notice of Preparation (NOP)
- A-2 Notice of Completion /State Clearinghouse Transmittal
- A-3 Notice of Completion
- A-4 Notice of Availability
- A-5 Distribution List for the City of Moreno Valley World Logistics Center Mailing List

B NOP Response Letters and Public Scoping Meeting Materials

C Agricultural Resources

- C-1 An Agriculture Industry Analysis
- C-2 Agricultural Resources Assessment (Revised)
- C-3 Economic Viability of Agriculture in the East Inland Empire
- C-4 California LESA Model (New-Cushman & Wakefield)

D Air Quality-HRA-GHG

- D-1 Air Quality, Greenhouse Gas, and Health Risk Assessment Report (Revised)
- D-2 Appendix A CalEEMod Output and Regional Emissions Spreadsheets
- D-3 Appendix B Caline4 Output
- D-4 Appendix C Air Pollution Health Effects Information
- D-5 Appendix D GHG Information
- D-6 Appendix E Regional Operation Spreadsheets and Model Output (Revised)
- D-7 Appendix F Localized Spreadsheets (Revised)
- D-8 Appendix G Health Risk Assessment (Revised)

E Biological Resources

- E-1 Habitat Assessment MSHCP Consistency Analysis (Revised)
- E-2 Appendix A – Floral Faunal
- E-3 Appendix B – Site Photographs
- E-4 Appendix C – LA Pocket Mouse Survey
- E-5 Appendix D – Burrowing Owl Survey
- E-6 Appendix E – Sensitive Plant Survey
- E-7 Appendix F – DBESP (Revised)
- E-8 Appendix G – Regulatory Background
- E-9 Appendix H – RCIP Summary Report and Attachment
- E-10 Appendix I – Assessor’s Parcel Numbers
- E-11 Appendix J - Moreno Valley CC Res No. 20004-07
- E-12 Appendix K - Burrowing Owl Relocation Plan (New)
- E-13 Assessment of Jurisdictional Waters and Wetlands (Revised)
- E-14 Moreno Valley Night Lighting Ordinance 851
- E-15 Riverside Conservation Authority Response to Comments JPR

F Cultural Resources

- F Phase 1 and Phase 2 Cultural Resources Assessment (Revised)

G Geotechnical

- G-1 Preliminary Geotechnical Evaluation for Environmental Impact Report (Revised)
- G-2 Leighton Memo on NOP Comments

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

G-3 Geotechnical Review of Offsite Improvement Areas, Amendment to Preliminary Geotechnical Evaluation (Revised)

H Specific Plan and Project Info

H-1 The World Logistics Center Specific Plan (Revised)

H-2 Tentative Parcel Map (New)

I Hazards and Hazardous Materials

I-1 Phase 1 Environmental Site Assessment and Limited Site Characterization for the Kerr Stock Farm Properties

I-2 Phase 1 Environmental Site Assessment and Limited Site Characterization for Sunnymead Poultry Group “C”

I-3 Phase 1 Environmental Site Assessment and Limited Site Characterization for Kerr Stock Farm

I-4 Phase 1 Environmental Site Assessment and Limited Site Characterization for the Group 'A' Properties

I-5 Phase I Environmental Site Assessment Report and Limited Site Characterization for the AIG Inc. Property

I-6 Phase I Environmental Site Assessment Report and Limited Site Characterization for the Saindon Property

I-7 Phase I Environmental Site Assessment Report and Limited Site Characterization for the Colville Property

I-8 Phase I Environmental Site Assessment for APN 478-240-1 1, -1 7, -26, -27, and -30, Moreno Valley, California

I-9 Phase I Environmental Site Assessment and Limited Site Characterization for 69.5± Acres of Agricultural Land, APN' s 477-090-008 thru -012 and 477-100-011 thru -014, in the City of Moreno Valley, Riverside County, California

I-10 Phase I Environmental Site Assessment for Chehade Property

I-11 Phase I Environmental Site Assessment for the Crites Property

I-12 Phase I Environmental Site Assessment and Limited Site Characterization for the Mabon Property

I-13 Phase I Environmental Site Assessment for APN's 477-080-027, -028, -029, and -030 located in Moreno Valley, Riverside County, California

I-14 Phase I Environmental Site Assessment and Limited Site Characterization for APN's 478-240-01 9, -025, and -028 located in Moreno Valley, California

I-15 Phase I Environmental Site Assessment for APN's 478-240-005 and -008 located in Moreno Valley, California

I-16 Phase I Environmental Site Assessment for APN 477-090-007 located in Moreno Valley, California

I-17 Addendum Letter to Add the Triana Property, 12540 Sinclair Street (Assessor's Parcel Number 477-090-001) to the Kerr Stock Farm Properties Phase I Environmental Site Assessment Update

I-18 Environmental Lien Search, for the Addendum Letter to Add the Triana Property

I-19 Phase I Environmental Site Assessment for the Himada Property

I-20 Addendum Letter to Add the Smith Property, 12550 Sinclair Street (Assessor's Parcel Number 477-090-013) to the Kerr Stock Farm Properties Phase I Environmental Site Assessment Update

I-21 Phase I Environmental Site Assessment (ESA) and Limited Site Characterization for 29060 Dracaea Avenue

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

I-22 Phase 1 Environmental Site Assessment Highlands Specific Plan

J Hydrology and Water Quality

J-1 Draft Master Plan of Drainage Report (Revised)

J-2 Preliminary WQMP (Revised)

K Noise

K-1 Noise Assessment for the World Logistic Center (Revised)

L Traffic

L-1 Traffic Impact Analysis Report (Revised)

L-2 Traffic Counts

L-3 Intersection LOS Worksheets for Existing Conditions

L-4 Intersection LOS Worksheets Existing Plus Phase1

L-5 Intersection LOS Worksheets Existing Plus Build-out

L-6 Intersection LOS Worksheets for 2022 No-Project

L-7 Intersection LOS Worksheets for 2022 Plus Phase 1

L-8 Intersection LOS Worksheets for 2035 No-Project Conditions

L-9 Intersection LOS Worksheets for 2035 Plus Build-out

L-10 Freeway LOS Worksheets Existing

L-11 Freeway LOS Worksheets Existing Plus Phase 1

L-12 Freeway LOS Worksheets Existing Build-out

L-13 Freeway LOS Worksheets 2022 No-Project

L-14 Freeway LOS Worksheets for 2022 Phase 1

L-15 Freeway LOS Worksheets for 2035 No-Project Conditions

L-16 Freeway LOS Worksheets 2035 Build-out

L-17 Signal Warrant Worksheets

L-18 Tech memo on High School #5 (New)

M Water Supply

M-1 Water Supply Assessment Report

M-2 World Logistics Center Specific Plan Water System Analysis (Revised)

M-3 World Logistics Center Recycled Water Analysis (Revised)

N Utilities + Services

N-1 Technical Memorandum – Dry Utilities (Revised)

N-2 Solar Power Options (Revised)

N-3 Moreno Valley Fire Department Strategic Plan 2012–2022

N-4 World Logistics Center Specific Plan Sanitary Sewer Analysis (Revised)

N-5 World Logistics Center Water Demands and Waste Water Generation for Buildings (Revised)

O Economic-Fiscal Studies

O-1 Fiscal and Economic Impact Study (Revised)

O-2A Economic Development Action Plan 2013-2016

O-2B Economic Development Action Plan 2011

O-2C Report to City Council 2013

O-2D Report to City Council 2011

O-3 Moreno Valley Economic Development Strategy

O-4 Beacon Economic Impacts The World Logistics Center (New)

P Preparer Résumés

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Acronyms and Abbreviations

§	Section
§§	Subsection
°C	degrees Celsius
°F	degrees Fahrenheit
µg/m ³	Micrograms per cubic meter
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ACC	Andrew Chang and Company
ACM	Asbestos-Containing Material
ACOE	Army Corps of Engineers
ADT	Average Vehicle Trips per Day
AF	acre-feet
AFRES	Air Force Reserve
AFV	Alternative Fuel Vehicle
AFY	acre feet per year
AICUZ	Air Installation Compatible Use Zone
ALUC	Airport Land Use Commission
ALUP	Airport Land Use Plan
AMI	Acute Myocardial Infarction
amsl	above mean sea level
A-P Act	<i>Alquist-Priolo Earthquake Fault Zoning Act</i>
APN	Assessor's Parcel Number
APU	Auxiliary Power Units
AQMP	Air Quality Management Plan
ASCE	American Society of Civil Engineers
AST	Aboveground Storage Tank
AVR	Average Vehicle Ridership
Basin	South Coast Air Basin
BAU	Business As Usual

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

BDCP	Bay Delta Conservation Plan
BLS	Bureau of Labor Statistics
BMP	Best Management Practice
BP	Business Park
BUOW	Burrowing Owls
BV&A	Bear Valley and Alessandro Development Company
BVIC	Bear Valley Irrigation Company
BVLWC	Bear Valley Land and Water Company
CAA	Federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CalFire	California Department of Forestry and Fire Protection
CalGreen Code	California Green Building Standards Code
California Register	California Register of Historic Resources
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CAPSSA	Criteria Area Plant Species Survey Area
CARB	California Air Resources Board
CASQA	California Stormwater Quality Association
CASSA	Criteria Area Species Survey Area
CAT	California Climate Action Team
CBC	California Building Code
CBD	Center for Biological Diversity
CBOC	California Burrowing Owl Consortium
CBSC	California Building Standards Commission
CCAA	California Clean Air Act
CCA EJ	Center for Community Action and Environmental Justice
CCR	California Code of Regulations

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

CC&Rs	Covenants, Conditions and Restrictions
CDE	California Department of Education
CDFG	California Department of Fish and Game, former name of the California Department of Fish and Wildlife
CDFW	California Department of Fish and Wildlife, formerly known as the California Department of Fish and Game
CDGB	Community Development Block Grant
CDMG	California Department of Mines and Geology
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response Compensation Liability Act
CESA	California Endangered Species Act
CFCs	chlorofluorocarbons
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
CFS	calls for service
cfs	cubic feet per second
CGP	Construction General Permit
CGS	California Geological Survey
CH ₄	Methane
CHP	California Highway Patrol
CIP	Capital Improvement Plan
CIWMB	California Integrated Waste Management Board
CLUP	Comprehensive Land Use Plan
CMP	Corrugated Metal Pipe
CMP	Riverside County Congestion Management Program
CNDDb	California Natural Diversity Data Base
CNEL	Community Noise Equivalent Level
CNG	Compressed Natural Gas
CNPS	California Native Plant Society

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

CNPSEI	California Native Plant Society Electronic Inventory
CNRP	Comprehensive Nutrient Reduction Plan
CO	Carbon Monoxide
CO ₂	Carbon Dioxide
CO ₂ e	Carbon Dioxide Equivalent
COA	Coordinated Operations Agreement
CPD	(HUD Office of) Community and Planning Development
CPUC	California Public Utilities Commission
CRA	California Resource Agency
CRA	Cultural Resource Assessment
CSC	California Species of Concern
CUPA	Certified Unified Program Agency
CUWCC	California Urban Water Conservation Council
CVC	California Vehicle Code
CVP	Central Valley Project
CWA	(Federal) Clean Water Act
CWC	California Water Code
DA	Development Agreement
DAMP	Drainage Area Management Plan
dB	decibel
dBA	decibel on the A-weighted scale
DBESP	Determination of a Biologically Equivalent or Superior Preservation
DCIA	Directly Connected Impervious Area
DDE	Dichlorodiphenyldichloroethylene
DDT	Dichlorodiphenyltrichloroethane
DE	Diesel Emissions
DEH	Department of Environmental Health
DEIR	Draft Environmental Impact Report
DFG	Department of Fish and Game
DHS	(California) Department of Health Services

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

DIF	Development Impact Fee
DMM	Demand Management Measure
DMP	Drainage Master Plan
DOC	(California) Department of Conservation
DOF	(California) Department of Finance
DPR	Department of Parks and Recreation
DPM	Diesel Particulate Matter
DTA	David Taussig & Associates, Inc.
DTSC	(California) Department of Toxic Substance Control
DWR	(California) Department of Water Resources
e.g.	<i>exempli grātiā</i> , for example
EB	Eastbound
ECSD	Edgemont Community Services District
EDD	Employment Development Department
EDR	Environmental Data Resources
EHL	Endangered Habitats League
EIA	Energy Information Administration
EIC	Eastern Information Center
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EMFAC	Emissions Factor Model 2014
EMWD	Eastern Municipal Water District
EPA	U.S. Environmental Protection Agency
EPAct	Energy Policy Act
ESA	Environmental Site Assessment
ESG	Emergency Solutions Grant
ETAAC	Economic and Technology Advancement Advisory Committee
FAA	Federal Aviation Administration
FAR	Floor to Area Ratio
FEIR	Final Environmental Impact Report

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FLMV	Friends for a Livable Moreno Valley
FMMP	Farmland Mapping and Monitoring Program
fps	feet per second
ft	foot/feet
FTA	Federal Transit Administration
FTE	full-time equivalent
FTIP	Federal Transportation Improvement Program
GCC	Global Climate Change
GHG	Greenhouse gas
GIS	Geographic Information Systems
GPA	General Plan Amendment
gpd	gallons per day
gpf	gallons per flush
GSR	Gilman Spring Road
GWP	Global Warming Potential
GVW	Gross Vehicle Weight
HANS	Habitat Evaluation and Acquisition Negotiation Strategy
HCD	(California) Department of Housing and Community Development
HCM	<i>Highway Capacity Manual</i>
HCP	Habitat Conservation Plan
HCS	Highway Capacity Software
HFCP	Highland Fairview Corporate Park
HHWE	Household Hazardous Waste Element
HI	Hazard Indices
HMB	Hazardous Materials Branch

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

HMBEP	Hazardous Materials Business Emergency Plan
HMMA	Hazardous Materials Management Act
HMMP	Habitat Mitigation and Monitoring Plan
HNL	Hourly Noise Level
HOME	HOME Investment Partnership
HOPWA	Housing Opportunities for Persons with AIDS
hp	horsepower
HRA	Health Risk Assessment
HSA	Hydrologic Subarea
HSC	Health and Safety Code
HUD	Housing and Urban Development
HVAC	Heating, Ventilating, and Air Conditioning
HWCL	Hazardous Waste Control Law
Hz	hertz
i.e.	<i>id est</i> , that is
ICF	ICF International
IMPLAN	Impact Analysis for Planning
IN-132	San Timoteo Canyon Rd/Alessandro Rd.
IN-133	San Timoteo Canyon Rd/Live Oak Canyon Rd.
IN-135	W. Crescent Ave./Alessandro Rd
IN-136	W. Sunset Dr. Alessandro Rd
IN-95	Alessandro/Arlington/Chicago Intersection
IPCC	United Nations Intergovernmental Panel on Climate Change
IRP	Integrated Resources Plan
IS	Initial Study
IT	Information Technology
ITE	Institute of Transportation Engineers
JD	Jurisdictional Delineation
JPR	Joint Project Review
kV	kilovolt

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

LA	Los Angeles
LAFCO	Local Agency Formation Commission
LAFCO	Riverside County's Local Agency Formation Commission
LAPM	Los Angeles pocket mouse
LB	Long Beach
LBP	Lead-Based Paint
LBRMP	Logistic Building Runoff Management Plan
lbs	pounds
LCC	Land Capability Classification
LD	Logistics Development
L _{dn}	day-night average noise
LE	Land Evaluation
LED	Light-Emitting Diode
LEED	Leadership in Energy and Environmental Design
L _{eq}	Equivalent continuous sound level (L _{eq})
LESA	(California) Land Evaluation and Site Assessments
LHP	Local Hiring Program
LHMP	Local Hazard Mitigation Plan
LI	Light Industrial
LID	Low Impact Development
LL	Light Logistics
L _{max}	maximum noise level
LNG	Liquefied Natural Gas
LNG/CNG	liquefied natural gas/compressed natural gas
LOS	Level of Service
LPS	Low Pressure Sodium
LPSRA	Lake Perris State Recreation Area
LSA	LSA Associates, Inc.
LST	Local Significance Threshold
MARB	March Air Reserve Base

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

MATES	Multiple Air Toxics Exposure Study
MBA	Michael Brandman Associates
MBTA	Migratory Bird Treaty Act
MC	Municipal Code
MCP	Mid County Parkway
Metropolitan	Metropolitan Water District of Southern California
MERV	Minimum Energy Reporting Value
mgd	million gallons per day
MHSP	Moreno Highlands Specific Plan
MICR	maximum individual cancer risk
MIP	March Inland Port
MJPA	March Joint Powers Authority
MLD	Most Likely Descendant
MM	Mitigation Measure
mm/yr	millimeters per year
MMDP	Moreno Master Drainage Plan
MMRP	Mitigation Monitoring and Reporting Program
mmt	million metric tons
MOU	Memorandum of Understanding
mpg	miles per gallon
mph	miles per hour
MPO	Metropolitan Planning Organization
MPOA	Master Property Owners Association
MPT	Master Plan of Trails
MRZ	Mineral Resource Zone
MS4	Municipal Separate Storm Sewer Systems
MSHCP	(Western Riverside County) Multiple Species Habitat Conservation Plan
mt	metric tons
mty	metric tons per year
MV	Moreno Valley

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

MVEU	Moreno Valley Electric Utility
MVFD	Moreno Valley Fire Department
MVHS	Moreno Valley Historical Society
MVPD	Moreno Valley Police Department
MVRWRF	Moreno Valley Regional Water Reclamation Facility
MVU	Moreno Valley Utility
MVUSD	Moreno Valley Unified School District
MW	megawatt
MWh	megawatt-hours
N ₂ O	nitrous oxide
NA	Native American
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NAIOP	National Association of Industrial and Office Properties
National Register	National Register of Historic Places
NB	Northbound
NCCP	Natural Communities Conservation Plan
NDDB	Natural Diversity Data Base
NDFE	Nondisposal Facility Element
NEPA	National Environmental Policy Act
NEPSSA	Narrow Endemic Plant Species Survey Area
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Association
NHPA	National Historic Preservation Act
NHTSA	Highway Traffic and Safety Administration
NMFS	National Marine Fisheries Service
NO ₂	Nitrogen Dioxide
NOC	Notice of Completion
NOI	Notice of Intent
NOP	Notice of Preparation

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

NO _x	Oxides of Nitrogen
NPDES	National Pollutant Discharge Elimination System
NRCP	Noise Reduction Compliance Plan
NRCS	Natural Resource Conservation Service
NRDC	Natural Resources Defense Council
NWP	National Wildlife Permit
O ₃	Ozone
OCP	organo-chloro-phosphate
OEHHA	Office of Environmental Health Hazard Assessment
OES	Occupational Employment Statistics
OHP	Office of Historic Preservation
OHWM	Ordinary High Water Mark
OMB	(White House) Office of Management and Budget
OPR	Office of Planning and Research
OS	Open Space
OSHA	Occupational Safety and Health Administration
PA	Planning Area
PA&ED	Project Approval and Environmental Documentation
PAH	Polycyclic Aromatic Hydrocarbon
Pb	Lead
PCBs	polychlorinated biphenyls
PCE	Passenger Car Equivalents
PEA	Preliminary Environmental Assessment
PM ₁₀	Particulate Matter with a Diameter of 10 Microns or Less
PM _{2.5}	Particulate Matter with a Diameter of 2.5 Microns or Less
POA	Property Owners Association
POLA	Port of Los Angeles
POLB	Port of Long Beach
POTWs	Publicly Owned Treatment Works

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

POU	Publically Owned Utility
ppb	parts per billion
ppm	parts per million
PQP	Public Quasi-Public
PSB	Public Safety Building
PUC	Public Utilities Code
PVC	Polyvinyl Chloride
PVCCSP	Perris Valley Commerce Center Specific Plan
PVSC	Perris Valley Storm Channel
PWC	Public Works Committee
PWQMP	Preliminary Water Quality Management Plan
PZ	Pressure Zone
q.v.	<i>quod vidē</i> , which see (presented elsewhere in the document)
QSP	Qualified SWPPP Practitioner
RCA	Resource Conservation Authority
RCB	reinforced concrete box
RCC	Riverside Community College
RCFCWCD	Riverside County Flood Control and Water Conservation District
RCFD	Riverside County Fire Department
RCIP	Riverside County Integrated Project
RCIWMP	Riverside Countywide Integrated Waste Management Plan
RCP	Regional Comprehensive Plan
RCRA	Resource Conservation and Recovery Act
RCSD	Riverside County Sheriff's Department
RCTC	Riverside County Transportation Commission
REL	reference exposure level
RHNA	Regional Housing Needs Assessment
RivTAM	Riverside County Traffic Analysis Model
ROG	Reactive Organic Gas
ROW	Right of Way

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

RPR	(California) Rare Plant Ranking
RPS	Renewables Portfolio Standard
RPW	Relatively Permanent Water
RSHA	Regional System of Highways and Arterials
RTA	Riverside Transit Agency
RTC	Response to Comments
RTIP	Regional Transportation Improvement Plan
RTP	Regional Transportation Plan
RUWMP	Regional Urban Water Management Plan
RWQCB	Regional Water Quality Control Board
SA	Site Assessment
SAA	Streambed Alteration Agreement
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SB	Southbound
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SCG	Southern California Gas Company
SCGC	Southern California Gas Company
SCS	Sustainable Communities Strategy
SDG&E	San Diego Gas and Electric
SEDAB	Southeast Desert Air Basin
sf	square foot/feet
SF ₆	Sulfur Hexafluoride
SHMA	Seismic Hazards Mapping Act
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
SJUSD	San Jacinto Unified School District
SJWA	San Jacinto Wildlife Area

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

SKR	Stephen's kangaroo rat
SKR HCP	Stephen's kangaroo rat Habitat Conservation Plan
SMARA	Surface Mining and Reclamation Act
SO ₂	Sulfur Dioxide
SO _x	Sulfur Oxides
SP	Service Population
SR-60	State Route 60
SRA	State Recreation Area
SRRE	Source Reduction and Recycling Element
SSURGO	Soil Survey Geographic
STC	Sound Transmission Class
SWANCC	Solid Waste Agency of North Cook County
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWQCB	State Water Quality Control Board
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
TAF	thousand acre-feet
TASAS	Traffic Accident Surveillance and Analysis System
TAZ	Traffic Analysis Zones
TCL	Tri-county Conservation League
TCM	Transportation Control Measures
TCP	Traditional Cultural Place
TDM	Transportation Demand Management
TDS	Total Dissolved Solids
TEU	Twenty-foot Equivalent Unit
TIA	Traffic Impact Analysis
TIS	Traffic Impact Study
TLMA	Riverside County Transportation and Land Use Management Agency

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

TMDL	Total Maximum Daily Load
TNW	Traditional Navigable Water
TOD	Transit-Oriented Development
TOG	Total organic gas
tpy	tons per year
TRB	Transportation Research Board
TRI	Toxics Release Inventory
TUMF	Transportation Uniform Mitigation Fee
UBC	Uniform Building Code
UC	University of California
UCLA	University of California Los Angeles
UFP	ultrafine particles
UNFCCC	United Nations Framework Convention on Climate Change
USACE	United States Army Corps of Engineers
USC	University of Southern California
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGBC	United States Green Building Council
USGS	United States Geological Survey
UST	Underground Storage Tank
UWMP	Urban Water Management Plan
VAE	voluntarily associated entity
VAV	Variable Air Volume
VIA	Visual Impact Assessment
VICS	Voluntary Interindustry Commerce Solutions
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compounds
VRP	Visibility-Reducing Particles

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

VT/KSF/day	vehicular trips per thousand square feet per day
WB	Westbound
WDR	Wastewater Discharge Requirement
WLA	Wildlife Area
WLC	World Logistics Center
WLCSP	World Logistics Center Specific Plan
WQMP	Water Quality Management Plan
WRCOG	Western Riverside Council of Governments
WSA	Water Supply Assessment
WSP	Water Shortage Plan
ZOI	Zone of Influence

GLOSSARY OF GENERAL TERMS

Acre-Foot. An acre-foot is the quantity of volume of water that covers one acre to a depth of one foot; equal to 43,560 cubic feet or 325,851 gallons.

Aesthetics. The perception of artistic elements, or elements in the natural or human-made environment that is pleasing to the eye.

Air Quality Criteria. Air quality criteria are the levels of pollution and length of exposure at which adverse effects on health and welfare occur.

Air Quality Standards. Air quality standards are the prescribed level of pollutants in the outside air that cannot be exceeded legally during a specified time in a specified geographical area.

Ambient Noise. Ambient noise is the composite of noise from all sources near and far. The ambient noise level constitutes the normal or existing level of environmental noise at a given location.

Applicant. An applicant is a person who proposes to carry out a project that needs a lease, permit, license, certificate, or other entitlement, for use or financial assistance from one or more public agencies.

Arterial. An arterial is a major street carrying the traffic of local and collector streets to and from freeways and other major streets, with controlled intersections and generally providing direct access to non-residential properties.

Attainment. Attainment means that there is compliance with State and Federal ambient air quality standards within an air basin.

A-Weighted Decibel (dBA). The dB on the A-weighted scale is the sound level obtained by use of A-weighting. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.

California Environmental Quality Act (CEQA). Enacted in 1970, CEQA requires State and local agencies to estimate and evaluate the environmental implications of their actions. It aims to prevent environmental effects of the agency actions by requiring agencies, when feasible, to avoid or reduce the significant environmental impacts of their decisions. If a proposed activity has the potential for a

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

significant adverse environmental impact, an environmental impact report (EIR) must be prepared and certified as to its adequacy before taking action on the proposed project (*California Public Resources Code* §§21000 et seq.)

Capacity. The maximum rate of flow at which vehicles can be reasonably expected to traverse a point or uniform segment of a lane or roadway during a specified time period under prevailing roadway, traffic, and control conditions.

Collector. Relatively low-speed, low-volume street that provides circulation within and between neighborhoods. Collectors usually serve short trips and are intended for collecting trips from local streets and distributing them to the arterial network.

Community Noise Equivalent Level (CNEL). A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of 5 and 10 dBA applied to the evening (7 p.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) periods, respectively, to allow for greater sensitivity to noise during these hours.

Congestion Management Plan (CMP). A mechanism employing growth management techniques, including traffic level of service requirements, standards for public transit, trip reduction programs involving transportation systems management and jobs/housing balance strategies, and capital improvement programming, for the purpose of controlling and/or reducing the cumulative regional traffic impacts of development.

Cumulative Impact. As used in CEQA, the total impact resulting from the accumulated impacts of individual projects or programs over time.

Current OEHHA Guidance. Guidance recommended by the OEHHA for estimating cancer risks based on a 30-year exposure duration for sensitive receptors and a 25-year exposure duration for worker receptors; this guidance incorporates age sensitivity factors for sensitive receptors

Current SCAQMD Guidance. Guidance recommended by the SCAQMD for estimating cancer risks based on a 70-year exposure duration for sensitive receptors and a 40-year exposure duration for worker receptors; this guidance does not incorporate age sensitivity factors

Day-Night Average Level (L_{dn}). The average equivalent A-weighted sound level during a 24-hour day, obtained after the addition of 10 decibels to sound levels in the night after 10 p.m. and before 7 a.m. (Note: CNEL and L_{dn} represent daily levels of noise exposure averaged on an annual or daily basis, while L_{eq} represents the equivalent energy noise exposure for a shorter time period, typically one hour.)

Decibel (dB). The decibel (dB) is the unit of level that denotes the ratio between two quantities that are proportional to power; the number of decibels is 10 times the logarithm (to the base 10) of this ratio.

Emission Standard. The maximum amount of pollutant legally permitted to be discharged from a single source, either mobile or stationary.

Environment. In CEQA, the environment are “the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.”

Environmental Impact Report (EIR). A report required pursuant to the California Environmental Quality Act that assesses all the environmental characteristics of an area, determines what effects or impacts will result if the area is altered or disturbed by a proposed action, and identifies alternatives or other measures to avoid or reduce those impacts.

Equivalent Energy Level (L_{eq}). L_{eq} is the sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period. L_{eq} is typically computed over 1-hour, 8-hour, and 24-hour sample periods.

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

Feasible. To be feasible, according to CEQA, means to be capable of being accomplished in a successful manner within a reasonable time taking into account economic, environmental, social, and technological factors.

Findings. Findings required by CEQA are the conclusions made regarding the significance of a project in light of its environmental impacts. A Statement of Overriding Considerations does not obviate the need to make other required CEQA findings.

Floor Area Ratio (FAR). The FAR is the gross floor area permitted on a site divided by the total net area of the site, expressed in decimals to one or two places. For example, on a site with 10,000 net square feet of land area, a floor area ratio of 1.0 will allow a maximum of 10,000 gross square feet of building floor area to be built. On the same site, an FAR of 1.5 would allow 15,000 square feet of floor area; an FAR of 2.0 would allow 20,000 square feet; and an FAR of 0.5 would allow 5,000 square feet. Also commonly used in zoning, FARs typically are applied on a parcel-by-parcel basis as opposed to an average FAR for an entire land use or zoning district.

Floor Area, Gross. The sum of the horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including any space where the floor-to-ceiling height is less than six feet. Some cities exclude specific kinds of space (e.g., elevator shafts and parking decks) from the calculation of gross floor area.

Freeway. A freeway is a high-speed, high-capacity, limited-access road serving regional and countywide travel. Such roads are free of tolls, as contrasted with turnpikes or other toll roads. Freeways generally are used for long trips between major land use generators. Major streets cross at a different grade level.

Incorporation by Reference. “Incorporation by reference” is a CEQA term meaning reliance on a previous environmental document for some portion of the environmental analysis of a project. See *CEQA Guidelines* §15150.

Initial Study. An Initial Study is a preliminary CEQA analysis that can be prepared by a Lead Agency to determine whether an EIR or Negative Declaration must be prepared, and identifying the significant environmental effects to be analyzed in an EIR.

Land Use. Any land use is the determination by a governing authority of the use to which land within its jurisdiction may be put so as to promote the most advantageous development of the community.

Lead Agency. The lead agency is the public agency that has the principal responsibility for carrying out or approving a project. The Lead Agency decides whether an EIR or Negative Declaration is required for a project, and causes the appropriate document to be prepared.

Level of Service (LOS). LOS is a qualitative measure describing operational conditions within a traffic stream and how motorists and/or passengers perceive them.

Maximum Noise Level (L_{max}). The maximum A-weighted sound levels measured on a sound level meter, during a designated time interval, using fast time averaging.

Mitigation Measure. A mitigation measure is a change in a project designed to avoid, minimize, rectify, reduce, or compensate for a significant environmental impact.

Mitigation Monitoring and Reporting Program (MMRP). When a lead agency adopts a mitigated negative declaration or an EIR, it must adopt a program of monitoring or reporting which will ensure that mitigation measures are implemented. (See CEQA Statute §21081.6(a) and *CEQA Guidelines* §§15091(d) and 15097.)

Noise. Noise is any sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying (unwanted sound).

Noise Contours. Noise contours are lines drawn about a noise source indicating equal levels of noise exposure.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Notice of Determination (NOD). An NOD is a brief notice filed with the State Clearinghouse to document project approval. The filing of the NOD starts the statute of limitations period. (See *CEQA Guidelines* §15373.)

Notice of Preparation (NOP). An NOP is a brief notice to notify the public, Responsible and Trustee Agencies that an EIR is being prepared for a project. The notice serves to solicit guidance from those agencies and the public about the scope and content of the environmental information to be included in the EIR. (See *CEQA Guidelines* §15375.)

Peak Hour. The hour of highest traffic volume on a given section of roadway between 7:00 a.m. and 9:00 a.m. or between 4:00 p.m. and 6:00 p.m.

Programmatic EIR. A programmatic EIR is an EIR that examines the impacts that would result from a conceptual plan or policy action envisioned by the lead agency, which is carried out at a more general level of analysis based upon the development information available. (See *CEQA Guidelines* §15161.)

Project. According to CEQA, a project is the whole of an action that has the potential to result in significant environmental change in the environment, directly or ultimately. (See *CEQA Guidelines* §15378.)

Project Description. A project description describes the basic characteristics of the project including location, need for the project, project objectives, technical and environmental characteristics, project size and design, project phasing and required permits. The level of detail provided in the project description varies according to the type of environmental document prepared.

Project EIR. A project EIR is an EIR that examines the impacts that would result from development of a specific project. (See *CEQA Guidelines* §15161.)

Public Hearing. A public hearing is a mechanism for providing the public an opportunity to comment on and present evidence relating to a proposed project and its Draft EIR.

Responsible Agencies. According to CEQA, responsible agencies are all public agencies other than the Lead Agency that have discretionary approval power over the project. (See *CEQA Guidelines* §15381.)

Reviewing Agencies. Reviewing agencies are local, State, and Federal agencies with jurisdiction over the project area or resources potentially affected by the project. Cities and counties are also considered reviewing agencies.

Scoping Meeting. A scoping meeting is an optional meeting pursuant to CEQA in which the lead agency meets with members of the public or agency representatives after the Notice of Preparation has been issued to discuss environmental issues related to a project. Scoping sessions provide the opportunity to discuss environmental issues, project alternatives and potential mitigation measures that may warrant in-depth analysis in the environmental review process.

Sensitive Receptors. Sensitive receptors are people or institutions with people that are particularly susceptible to illness from environmental pollution, such as the elderly, very young children, people already weakened by illness (e.g., asthmatics), and persons engaged in strenuous exercise.

Significant Effect on the Environment. A significant effect on the environment means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (*CEQA Guidelines* §15382).

Thresholds of Significance. Thresholds of significance are criteria for each environmental issue area to assist with determinations of significance of project impacts. They are based on *CEQA Guidelines* Appendix G.

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

Trustee Agency. According to CEQA, a Trustee agency is a State agency that has jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. (See *CEQA Guidelines* §15386.)

Volume (Transportation). The volume of traffic is the total number of vehicles that pass over a given point or section of a roadway during a given time interval. Volumes may be expressed in terms of annual, daily, hourly, or sub-hourly periods.

Wastewater. Wastewater is water carrying dissolved or suspended solids from homes, farms, businesses, and industries. The wastewater treatment process includes any process that modifies characteristics of the wastewater, usually for the purpose of meeting effluent standards.

Zoning. Regulation by zone districts of the height, use, and area of structures, the use of land, and the density of population and intensity of allowable uses.

GLOSSARY OF PROJECT-SPECIFIC DEFINITIONS

The following definitions are excerpts from Section 3.4, *Project Description*.

Annexation Area: This term refers to an 85-acre parcel located adjacent to Gilman Springs Road that is to be annexed into the City of Moreno Valley. The parcel is already within the City's adopted Sphere of Influence adopted on November 21, 1985.

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. This Buffer Area is a large part of the "Other Project Areas" described herein.

General Plan Amendment: One of the proposed entitlements is a General Plan Amendment (GPA) that will permit the establishment of logistics land uses on the 3,714-acre property located east of Redlands and south of SR-60. The following General Plan Elements will be amended: Community Development; Circulation; Parks, Recreation, and Open Space; Safety; Conservation; and General Plan Goals and Objectives. The GPA will replace the current Moreno Highland Specific Plan/General Plan Designations with the following land use designations: (a) 2,610 acres for high cube logistics development; (b) 1,084 acres of Open Space; and (c) 20 acres for Public Facilities.

Moreno Highlands Specific Plan: This term refers to the currently approved Specific Plan that covers 3,038 acres of the project area. This Specific Plan permits the development of a master planned, mixed-use community consisting of up to 7,763 residential dwelling units and approximately 603 acres of business, retail, institutional, and other uses. This development will be replaced with the World Logistics Center Specific Plan and 1,104 acres of Open Space and Public Facilities uses.

Off-site Analysis Zone: This term refers to an approximately 1,000-foot wide zone adjacent to the south and east boundaries of the Specific Plan area that was studied by Michael Brandman Associates (MBA) as part of the assessment of potential impacts on biological resources. It covers approximately 1,637.5 acres.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Off-site Improvement Areas: Development under the Specific Plan will require construction of a number of offsite infrastructure improvements covering approximately 104 acres of land adjacent to the Specific Plan Site including, but not limited to the following facilities (see Figure 3.7):

Debris Basins easterly of Gilman Springs Road;

Water reservoirs and access roads located northeast, north, and west of the project site;

SR-60 interchange improvements; and

Roadway, water, sewer, drainage, and utility improvements extending north and west from the project.

Other Project Areas: The San Diego Gas & Electric Company (SDG&E) and the Southern California Gas Company (SCGC) own a total of 194 acres of land immediately south of the Specific Plan site. These properties are included in the proposed General Plan Amendment and the Zone Change to designate them for Open Space and Public Facilities uses. These designations are consistent with present uses. These properties are not within the proposed World Logistics Specific Plan. Approximately 174 acres of the land owned by SDG&E will be designated as Open Space. Nineteen acres of SDG&E land and one acre of SCGC land will be designated as Public Facilities.

Project Site or Project Area: This term refers to the entire 3,818-acre area covered by the EIR encompassed by: (a) the Specific Plan Area (2,610 acres); (b) the CDFW Conservation Buffer Area (910 acres); c) the Public Facilities Lands area (194 acres); and (d) the Off-site Improvement Area on 104 acres.

Proposed Project or World Logistics Center Project: General term applied to all of the entitlements outlined above that are addressed in this EIR, including:

WLC Specific Plan	2,610 acres
General Plan Amendment.....	3,714 acres
Zone Change	3,714 acres
Tentative Parcel Map	1,539 acres
Annexation	85 acres
Off-site improvements	104 acres

Specific Plan Site: Approximately 2,610 acres of the project area are included in the proposed World Logistics Center (WLC) Specific Plan, located generally south of the SR-60 Freeway, east of Redlands Boulevard, west of Gilman Springs Road, and north of the San Jacinto Wildlife Area.

State Lands: Refers to lands owned by the State of California and includes the San Jacinto Wildlife Area (SJWA) located south of the Specific Plan Site, and the Lake Perris State Recreation Area (LPSRA) located southwesterly of the Specific Plan Site.

Tentative Parcel Map Area: A Tentative Parcel Map is being processed to subdivide 1,539 acres of the project for financing purposes only. This property is owned by the project applicant. Approval of the map will confer no development rights to the property.

WLC Specific Plan: The WLC Specific Plan proposes a master-planned logistics campus to include up to 40.4 million square feet of high-cube logistics warehousing, up to 200,000 square feet of light logistics uses, a site for “logistics support” allowed as a special use and 74.3 acres of Open Space in the southwest corner of the site. The Specific Plan includes extensive development standards, design guidelines and review procedures for all development within the project.

World Logistics Center Project: The term refers to 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. The WLC property is generally located south of the State Route 60 freeway, east of Redlands Boulevard, west of Gilman Springs Road, and north of Mystic Lake and the San Jacinto Wildlife Area.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Zone Change: The project includes a Zone Change covering 3,714 acres which will designate 1,084 acres of land for Open Space (CDFW and SDG&E properties), 20 acres for Public Facilities (SDG&E, SCGC properties) and 2,610 acres for the World Logistics Center Specific Plan.

1.0 INTRODUCTION

The Final Environmental Impact Report (FEIR) for the proposed World Logistics Center Project (WLC) comprises the following documents:

- Volume 1 – Response to Comments and the Mitigation Monitoring and Reporting Program;
- Volume 2 – Revised Draft EIR and Appendices (with corrections);
- Volume 3 – Revised Draft EIR and Appendices (clean);
- Volume 4 – Original Draft EIR and Appendices; and
- Volume 5 – Findings, Statement of Overriding Considerations, Staff Reports, and Resolutions.

The purpose of this FEIR Volume 1 is to respond to all comments received by the City of Moreno Valley (City) regarding the environmental information and analyses contained in the Draft EIR (DEIR). Additionally, any corrections to the text and figures of the DEIR generated either from responses to comments or independently by the City, are indicated in responses to comments contained in FEIR Volume 1. FEIR Volume 2 provides the DEIR revised to show or indicate all changes to the DEIR text and appendices, with changes shown in strikeout/underline format and notes in the text where appropriate. To assist the reader, FEIR Volume 3 provides the Revised DEIR in a clean format with all changes incorporated. FEIR Volume 4 consists of the original DEIR and appendices for comparison and has not been modified to reflect any changes outlined in FEIR Volumes 1 or 2. Finally, FEIR Volume 5 provides the legal processing requirements of California Environmental Quality Act (CEQA) in terms of the findings and statement of overriding considerations, as well as the supporting staff reports and City Council resolutions.

1.1 CONTENT AND FORMAT

Subsequent to this introductory section, Section 2.0 contains copies of each comment letter received on the DEIR, along with annotated responses to each comment contained within the letters. Section 3 of this document contains the Mitigation Monitoring and Reporting Program (MMRP).

1.2 PUBLIC REVIEW OF THE DEIR

As required by the CEQA Guidelines Section 15087, a Notice of Completion (NOC) of the DEIR State Clearinghouse No. 2012021045 for the World Logistics Center Project was filed with the California Office of Planning and Research State Clearinghouse on February 5, 2013. The DEIR was circulated for public review for a period of 63 days, from February 5, 2013 to April 8, 2013. Copies of the DEIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the DEIR were also made available for public review at the City Planning Department, at one area library, and on the internet.

A total of one-hundred and forty-four (144) comment letters were received during the public review period commenting on the EIR and WLC project. Twenty-three (23) of the comment letters received were from Federal, State, regional, or local agencies. Fifteen (15) comment letters were received from private organizations or conservation groups, and one-hundred and five (106) letters were received from individuals. In addition, several letters/emails from individuals and one letter from the City of Redlands were received well after the close of the public review period. However, all letters

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

that commented on the DEIR or on CEQA issues have been responded to in Section 2.0 of this document.

1.3 POINT OF CONTACT

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

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1.4 CHANGES TO THE WLC PROJECT

The DEIR is a programmatic document that examined the development of 41.6 million square feet of logistics warehousing and related uses on the WLC site without any specific building footprints or development characteristics. The primary change in the WLC Project is the total Specific Plan area has been reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet down 2.4 percent from the original 41.6 million square feet.

The revised land uses of the WLC project, including the WLC Specific Plan (WLCSP), are outlined in Table 1.A and shown in Figure 1-1. In addition, the Specific Plan land use plan was divided into sixteen (16) Planning Areas based on traffic impact zones which allows for more accurate estimates of potential traffic and air quality impacts of the WLC Project. The specific land use of each planning area is outlined in Table 1.B and shown in Figure 1-2.

The Circulation Plan has remained relatively the same as under the original plan but Street C has been relocated further east and south due to the removal of 100 acres at the southwest corner of the Specific Plan area, and to allow for a more direct connection to the existing Cactus Avenue at the southwest corner of the WLC property.

In the original plan, a trail was proposed along the edge of the Open Space area in the southwestern portion of the site to connect to existing trails along Redlands Boulevard and Cactus Avenue to the west and planned trails within the San Jacinto Wildlife Area and Mystic Lake to the south. In response to changes to the proposed project and concerns expressed by Native Americans, the trail in the revised plan has been moved away from the northern boundary of the Open Space area to reduce potential impacts to the Mt. Russell foothills. This change is shown in Figure 1-3.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table 1.A: WLC Project Characteristics (Original and Revised)

Area/Land Use	Original Project		Revised Project	
	Acres	Square Footage	Acres	Square Footage
World Logistics Center Specific Plan (WLCSP)				
LD Logistics Development ¹	2,606	41,400,000	2,382.8	40,400,000
LL Light Logistics	29	200,000	37.1	200,000
OS Open Space	75	—	74.3	—
ROW ²	—	—	115.8	—
WLCSP Total	2,710	41,600,000	2,610.0	40,600,000
Other Project Areas				
California Department of Fish and Wildlife	910	—	910	—
San Diego Gas and Electric – Open Space	174	—	174	—
San Diego Gas and Electric – Facility	19	—	19	—
Southern California Gas Company – Facility	1	—	1	—
Other Areas Total	1,104	—	1,104	—
Off-site Improvement Areas	104	—	104	—
TOTAL WLC PROJECT AREA	3,918	41,600,000	3,818	40,600,000
Floor Area Ratio (FAR)³	NA	0.352	NA	0.357

¹ Included in LD zone with 3,000 square feet of “logistics support” in Planning Area 22 at northeast corner of Theodore and Eucalyptus.

² Right-of-Way included in each land use category

³ Floor Area Ratio (FAR) is gross building area divided by gross site area

The WLC implementation schedule was revised or extended from 10 to 15 years, so Phase 1 is now scheduled for completion in 2022 rather than in 2017, or from approximately 2015 to 2022, compared to the five-year time period assumed in the DEIR (i.e., 2012 to 2017). Phase 2 is scheduled from approximately 2023 to 2030. Therefore, the quantitative impact analyses for 2017 in the original DEIR were eliminated in the revised DEIR (see FEIR Volume 2).

The revised Specific Plan also makes a specific commitment to achieving the equivalent of “LEED Certified¹ in terms of sustainability and energy conservation. However, due to the time involved in obtaining LEED certification, the Specific Plan indicates development within the WLCSP will comply with the “LEED Certified” level of LEED requirements but may not necessarily obtain actual LEED certification.

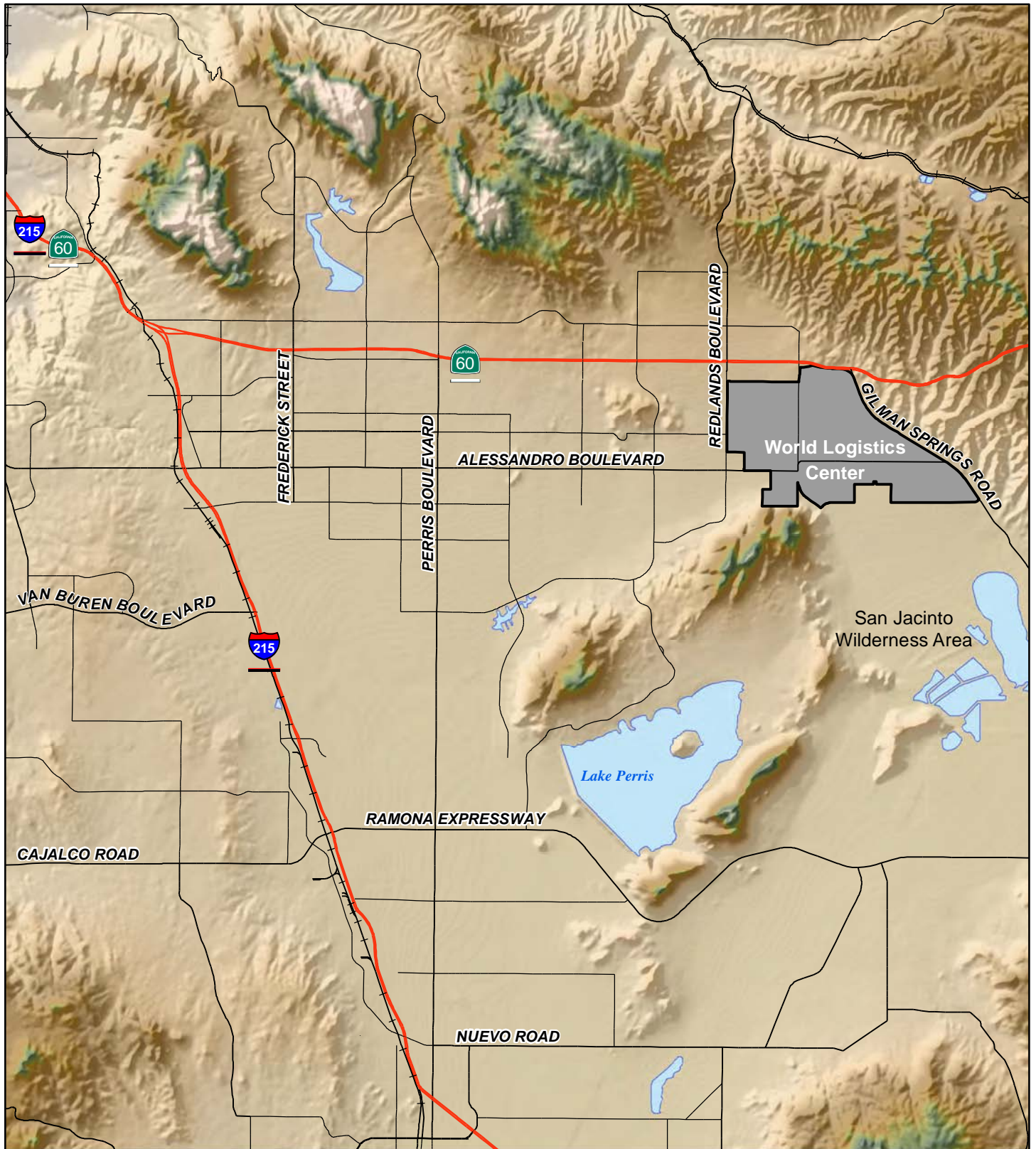
Additional design is also being done on the Drainage 9 “corridor” to allow for wildlife movement as well as flood and erosion control.

¹ Leadership in Energy and Environmental Design program managed by the U.S. Green Building Council (GBC).

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

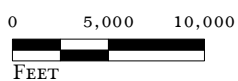
Table 1.B: WLC Project Land Uses by Planning Areas

Planning Area (PA)	Land Use Designation	Area (acres)	Building (square feet)
Logistics Development (LD)			
1	LD	77.8	1,100,000
2	LD	193.5	4,200,000
3	LD	120.3	1,600,000
4	LD	301.5	5,600,000
5	LD	64.2	600,000
6	LD	115.3	500,000
7	LD	10.3	50,000
8	LD	142.9	2,150,000
9	LD	485.8	10,400,000
10	LD	139.9	2,200,000
11	LD	500.0	8,000,000
12	LD	231.3	3,500,000
Subtotal		2,382.8	40,400,000
Light Logistics (LL)			
20	LL	16.1	45,500
21	LL	10.5	77,250
22	LL	10.5	77,250
Subtotal		37.1	200,000
Open Space (OS)			
30	OS	74.3	—
Other			
ROW		115.8	—
Total		2,610.0	40,600,000



LSA

FIGURE 1.1



World Logistics Center Specific Plan Project
FEIR Volume 1 WLC Project

Revised WLC Project Area

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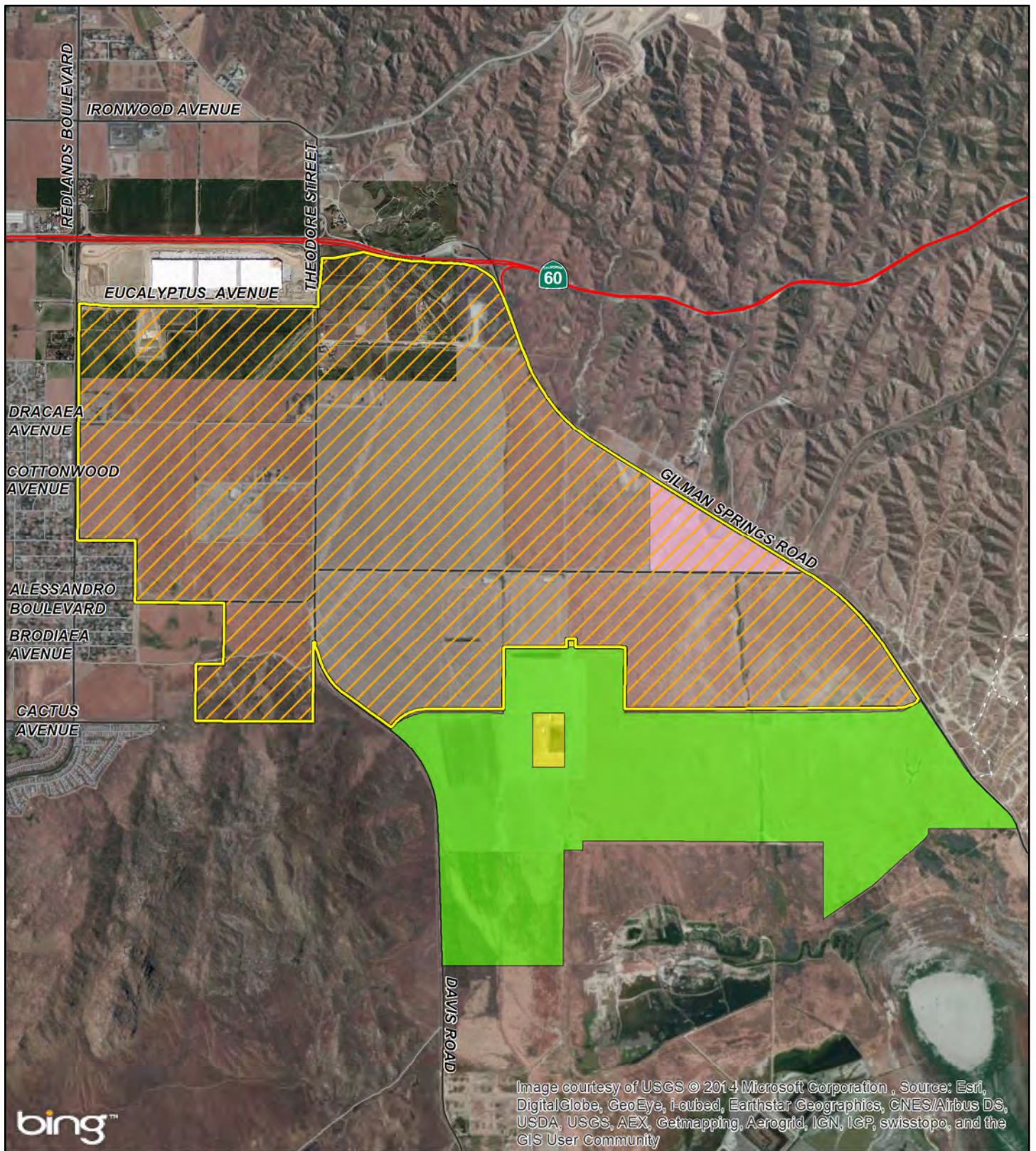
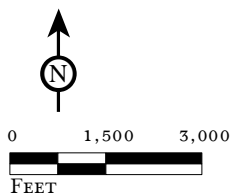


FIGURE 1,2

L S A



- Project Boundary
- Specific Plan
- CDFW Land - Open Space
- Public Utility
- Annexation Area

World Logistics Center Specific Plan Project
Environmental Impact Report

Component Areas

SOURCE: ESRI World Imagery, 2010; Bing Maps, 2010; Google Maps, 2011.

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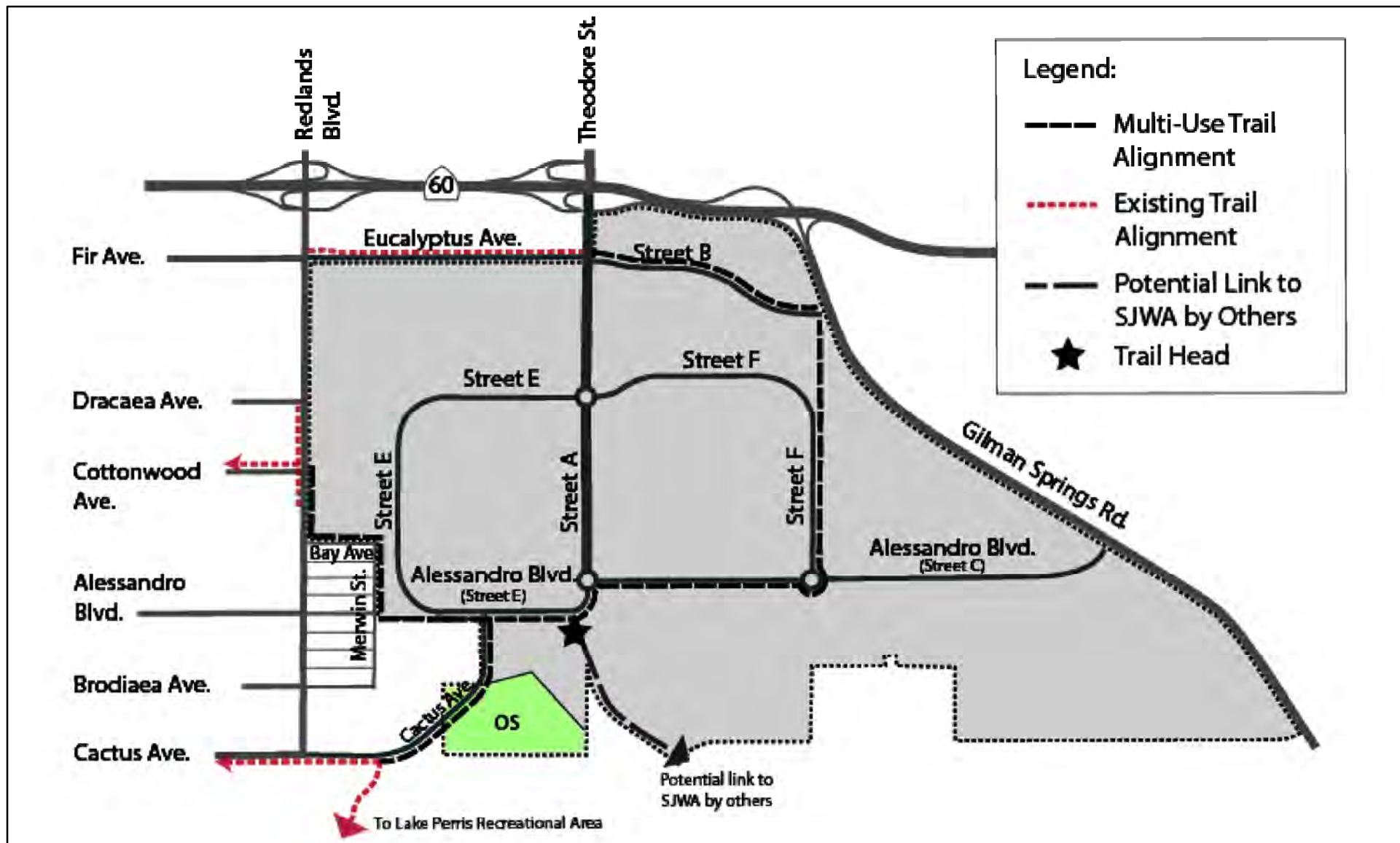
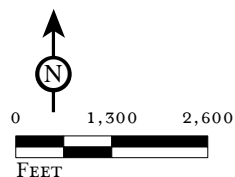


FIGURE 1.3

LSA



SOURCE: World Logistics Center Specific Plan, HF, September, 2014.

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World Logistics Center Specific Plan Project
Environmental Impact Report

Revised Trail Location

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1.5 PROJECT OBJECTIVES^[L1]

Based on comments received on the DEIR, the project objectives have been slightly modified as shown below to more accurately reflect the planned future services provided by the WLC project and to clarify the project objectives relative to the evaluation of project alternatives (additional text shown in double underline, deleted text shown in strikeout):

- Create substantial employment opportunities for the citizens of Moreno Valley and surrounding communities.
- Provide the land use designation and infrastructure plan necessary to meet current market demands and to support the City's Economic Development Action Plan.
- Create a major logistics center in ~~Rancho Belago~~ with good regional and freeway access.
- Establish design standards and development guidelines to ensure a consistent and attractive appearance throughout the entire project.
- Establish a master plan for the entire project area to ensure that the project is efficient and business-friendly, accommodating the next-generation of logistics buildings.
- Provide a major logistics center to accommodate a portion of the ever-expanding trade volumes at the Ports of Los Angeles and Long Beach.
- Create a project that will provide a balanced approach to the City's responsibilities of fiscal viability, economic expansion, and environmental integrity.
- Provide the infrastructure improvements required to meet project needs in an efficient and cost-effective manner.
- Encourage new development consistent with regional and municipal service capabilities.
- Significantly improve the City's jobs/housing balance and help reduce unemployment within the City.
- Provide thousands of construction job opportunities during the project's build-out phase.
- Provide appropriate transitions or setbacks between on-site and off-site uses.

1.5.1 City's Economic Development Action Plan Objectives

In 2011, the City adopted an Economic Development Action Plan (EDAP) that outlined the following general objectives:

Objectives for Economic Development

- Create jobs locally and address City's high unemployment rate
- Address the Community's jobs to housing imbalance
- Strengthen and broaden the local economic foundation by attracting quality businesses
- Enhance City revenue generation from sources such as sales tax, property tax, transient occupancy tax, and utility tax – all aimed at improving quality of life in Moreno Valley

Eastern Moreno Valley–Rancho Belago

- Prime area of Community with large undeveloped areas.
- Skechers USA opening has generated interest by other prospective corporate users.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- Nearly 20-year old Moreno Highlands Specific Plan to expire in 2012
- Highest and Best land uses should be evaluated to address City's jobs to housing imbalance

Survey of Inland Region Industrial/Business Park Zoning (Percent Allocation of Cities Land Area for Job Producing Land Uses)

- Ontario 25.3%
- Perris 21.7%
- San Bernardino 18.0%
- Chino 17.1%
- Fontana 17.0%
- Rancho Cucamonga 15.3%
- Riverside 15.2%
- Corona 11.4%
- Moreno Valley 9.0%

In 2013, the EDAP was replaced and included the following specific objectives related to the World Logistics Center:

World Logistics Center at Rancho Belago

- Collaborate with Highland Fairview in the development of the World Logistics Center—a 41.6 million S.F. master planned corporate park proposed to be developed on 2,700 acres in the Rancho Belago area of eastern Moreno Valley.
- Process an Environmental Impact Report and preliminary development plans for the World Logistics Center in eastern Moreno Valley—south of SR 60 and east of Redlands Boulevard to Gilman Springs Road.
- Assist in the drafting of a Specific Plan that will guide the orderly development for of World Logistics Center.
- Cooperate with Highland Fairview in the formulation of a Development Agreement to create a public-private partnership to help facilitate the development of new public infrastructure in eastern Moreno Valley associated with the World Logistics Center including roads, trails, utilities, storm water protection and fire protection facilities.
- Work with Highland Fairview in branding the World Logistics Center as one of the largest e-commerce focused development projects in the U.S.

1.6 CHANGES TO THE EIR TECHNICAL STUDIES

Subsequent to circulation of the Draft EIR, several project changes, as outlined in Section 1.4, were made that needed to be reflected in the EIR technical studies. In addition, several of the EIR technical studies were revised in response to comments made on the DEIR. The following summarizes the major changes to the DEIR technical studies.

1.6.1 Agricultural Resources Study

- **Project Changes** (100 acres less project area).
- **Revise LESA² Model** calculation area to remove state conservation areas (no development) and modify Zone of Influence based on DEIR comments.
- **Add offsite agricultural easement** based on productivity as mitigation in response to DEIR comments.
- **SUMMARY.** Revision of the LESA model now indicates significant agricultural impact is loss of unique farmland only, and not the loss of locally important farmland. New offsite mitigation will reduce these impacts to less than significant levels.

1.6.2 Air Quality/Health Risks

For a complete summary of the changes and additional details, please refer to the FEIR Air Quality Section 4.3.3 (Methodology).

General Changes

- Project changes (**100 acres less project area, 1 million square feet less building area, phasing increased from 10 to 15 years, addition of fire station**).
- **Incorporate revised data from Traffic Impact Assessment** (see 1.6.9 below).
- **Mitigation measures were refined** and new measures were added.
- A discussion of **ultrafine particles** was added to Section 4.3; however, emissions were not estimated in either the DEIR or the FEIR.

Construction Emissions

- **New Version of CalEEMod³.** The construction emissions were originally estimated with CalEEMod version 2011.1.1; the revised analysis estimates emissions using CalEEMod version 2013.2.2, the most recent version.
- **Extended Construction Period, Refined Construction Equipment, Refined Phasing.** In the DEIR, construction was assumed to occur over 10 years; in the revised analysis, construction is assumed to occur over 15 years. This change necessitated refinements in the construction equipment and phasing. Please refer to Section 4.3.3 for details.

Operational Emissions

- **Trip Lengths and Model for Motor Vehicle Emissions.** Forecasted traffic volumes contained in the revised Traffic Impact Analysis were used to estimate the project's motor vehicle emissions instead of 50 miles per truck trip and the CalEEMod default trip lengths for local trips used in the DEIR. The traffic model provided estimates of project traffic volumes for nearly 500 individual freeway and surface street roadway segments segregated by vehicle class as passenger cars, light heavy duty trucks, medium heavy duty trucks, and heavy-heavy duty trucks. This revised methodology provides a much more accurate estimate of the project's operational mobile source vehicle miles traveled and resulting emissions. In addition, in the DEIR, regional motor vehicle emissions were estimated by CalEEMod, whereas in the revised analysis, emissions are estimated by detailed calculations prepared by Michael Brandman Associates – FirstCarbon Solutions using information from the project's traffic study, including the segment traffic volumes, length, and vehicle mix, as well as speed-specific emission factors from EMFAC2014.

² (California) Land Evaluation and Site Assessments

³ California Emissions Estimator Model

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- **Updated Emission Factors.** The EMFAC2014 mobile source emission model was applied to all vehicle classes in the revised analysis. In the estimate of regional emissions provided in the Draft EIR, the medium and heavy-duty diesel trucks applied the EMFAC2011 model emission factors and the other vehicle classes used the default EMFAC2007 emission factors embedded in the older version of CalEEMod (version 2011). This was because CalEEMod version 2011 was the approved model at the time for estimating regional emissions. The estimate of localized air emissions in the Draft EIR included the most recent emission factors from EMFAC2011.
- **More Onsite Emissions Sources.** Additional sources of operational emissions were also accounted for in this revised analysis including standby diesel generators, fork lifts, and yard trucks.

Local Significance Threshold (LST) Analysis

- **Revisions to the Traffic Volumes.** The operational assessment of localized impacts reflects the changes in traffic volumes associated with the reduction of project size and realignment of roadway segments that are within and border the project's boundaries.
- **Changes in Construction Schedule.** The analysis in the DEIR assumed a construction schedule of 10 years, whereas the revised assessment is based on a 15-year construction schedule. The changes in construction schedule both by year and location within the project were accounted for under the revised, extended project development schedule for estimating the emissions subject to the (LST) assessment.
- **Emission Source Configuration:** The analysis in the DEIR of the off-road construction equipment exhaust was represented in the air dispersion model as a large area source that covered the construction area. The revised analysis represents the off-road construction exhaust emission source as a series of contiguous volume sources which is consistent with the South Coast Air Quality Management District (SCAQMD) methodology for LST assessments.
- **Operational Truck Idling.** The analysis in the DEIR assumed that each heavy duty truck that accessed the site during operation idled for a total of 15 minutes per day. In the revised analysis, each truck was assumed to idle for 5 minutes per day consistent with the California Air Resources Board's Air Toxic Control Measure that limits such idling to 5 minutes. Further, the requirements of Mitigation Measure 4.3.6.3B restricts idling to 3 minutes or less.

Health Risk Assessment

- **Revisions to the Construction Emissions.** This revised analysis reflected the numerous changes in construction equipment, load factors, schedule, and sequencing of construction by location within the project as discussed above.
- **Revisions to Traffic Volumes.** The revised analysis made use of the refined traffic volume forecasts along nearly 500 individual roadway segments that stretched from the Palm Springs area to the Ports of Los Angeles and Long Beach..
- **Expanded Model Extent.** The geographic extent of the air dispersion model domain was expanded to include freeway segments to the ports of Los Angeles and Long Beach.
- **Organic Gas Emissions Included.** The assessment of acute non-cancer hazards was expanded to examine the impacts of the toxic components of the project's total organic gas emissions from gasoline and diesel vehicles. The analysis in the DEIR focused on diesel particulate matter to derive health impacts from the project.
- **Calculated Cancer Population Burden.** The health risk assessment was extended to include the computation of cancer population burden attributed to the project's diesel particulate matter emissions.

- **Updated Current OEHHA Guidance for HRA.** The analysis contained in the DEIR assumed a cancer risk exposure time period of 70 years for sensitive/residential receptors based on OEHHA and SCAQMD guidance. Recently, OEHHA has finalized updated guidance on a new methodology. The updated OEHHA approach uses Age Sensitivity Factors, an increased breathing rate, and an exposure duration of 30 years.
- **Exposure Period for Worker Receptors.** The analysis contained in the DEIR assumed a cancer risk exposure time period of 40 years for workers based on OEHHA and SCAQMD guidance. Recently, OEHHA has finalized updated guidance on a new methodology. The new guidance uses an exposure duration of 25 years.
- **Buffer Analysis.** The analysis includes assessment of cancer risks with a buffer of 250 feet (the project design) and 1,000 feet between the project's operational emissions and the centerlines of Redlands Boulevard, Gilman Springs Road, Bay Avenue, and Merwin Street. The analysis found that a 1,000 foot buffer makes little difference to no difference in the cancer risk results.

Findings

- **Construction Regional Emissions.** The findings have decreased; emissions of volatile organic compound (VOC), oxides of nitrogen (NOx), carbon monoxide (CO), and PM₁₀⁴ are still significant after mitigation. PM_{2.5}⁵ emissions are now less than significant after mitigation. Emissions of VOC, NOx, CO, and PM_{2.5} decreased with the revised analysis, primarily because the construction activity levels decreased and there is now a mitigation measure that requires Tier 4 construction. Emissions of PM₁₀ increased slightly due to the inclusion of unpaved onsite road dust estimates.
- **Operational Regional Emissions.** The findings are the same; emissions of VOC, NOx, CO, PM₁₀, and PM_{2.5} are still over the significance thresholds after mitigation. However, all emissions decreased, due to a decrease in the estimated overall vehicle miles traveled and use of updated mobile source emission factors.
- **LST Analysis.** In the DEIR, the concentrations of nitrogen dioxide, PM₁₀, and PM_{2.5} were significant after mitigation. In the FEIR, nitrogen dioxide and PM_{2.5} were reduced to less than significant; therefore, the only pollutant significant locally is PM₁₀.
- **Health Risk Assessment.** In the DEIR, under the 70-year exposure duration, there are significant cancer risks inside and outside the project boundary. In the FEIR, using the Current OEHHA Guidance, the cancer risks exceed the cancer risk significance threshold at existing residences located within the project boundary but do not exceed the threshold at residences located outside of the project boundary. Further, even though the significance threshold is exceeded on a numerical basis, the risks are expected to be less than significant based on the new health research results from the Health Effects Institute (HEI) that evaluated the health effects of diesel PM emissions from new technology diesel engines such as those that are required as a mitigation measure for this project (Mitigation Measure 4.3.6.2B) that requires that all diesel fueled trucks must be compliant with Model Year 2010 truck emission standards. The HEI study clearly demonstrates that the application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust that were identified when it was designated a toxic air contaminant by CARB in 1998. That designation spurred a series of regulations that brought forth transformative emissions control technology, significantly reducing both emissions and the associated health impacts. This finding is further reinforced by the mitigation requirement that all diesel construction equipment greater than

⁴ Particulate matter of 10 microns or less.

⁵ Particulate matter with a diameter of 2.5 microns or less

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

50 horsepower meet Tier 4 emission standards, the most stringent emission control requirements on off-road construction equipment.

1.6.3 Biological Resources Studies

- **Project Changes** (100 acres less project area).
- **Updated MSHCP⁶ Consistency Report** including raptor foraging assessment.
- **Updated Jurisdictional Delineation.**
- **Prepared Programmatic DBESP⁷ Report** in response to resource agency comments.
- City submitted MSHCP Consistency and DBESP Reports to County RCA⁸ for processing.
- **SUMMARY.** Impacts identified in the original reports were still less than significant with this new information (i.e., no new or substantially different significant impacts).

1.6.4 Cultural Resources Study

- **Project Changes** (100 acres less project area).
- **Modified mitigation language** in response to comments by Native Americans.
- **SUMMARY.** Impacts identified in the original report were still less than significant with this new information (i.e., no new or substantially different significant impacts) with the modified mitigation language.

1.6.5 Greenhouse Gases/Climate Change

For a complete list of the changes, refer to FEIR Greenhouse Gas Emissions, Climate Change, and Sustainability Section 4.7.3 (Methodology).

- **Project Changes** (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years).
- **Incorporate revised data from Traffic Impact Assessment** (see 1.6.9 below)
- **Changes to Construction and Operational Emissions Estimation.** As shown in the Air Quality FEIR Section 4.3 and in Section 1.6.3 above, there were changes to the assumptions for the construction and operational emissions estimation. These changes in assumptions also change the emissions as estimated in the GHG analysis.
- **Addition of Black Carbon Emissions Estimation.** The analysis in the DEIR did not estimate black carbon emissions, which may contribute to climate change. This analysis includes an estimate of black carbon emissions.
- **New Waste Generation Factors.** The new version of CalEEMod has revised operational waste generation factors, which results in less estimated waste generated during operation and less greenhouse gas emissions.
- **AB 32 Capped and Uncapped Emissions.** The greenhouse gas (GHG) emissions in the revised analysis are divided into emissions that fall under California's Cap-and-Trade Program, which was enacted to achieve emissions reductions required under Assembly Bill (AB) 32. Only those GHG emissions that are uncapped are compared with the significance threshold.

⁶ Multiple Species Habitat Conservation Plan

⁷ Determination of a Biologically Equivalent or Superior Preservation

⁸ Resource Conservation Agency

- **SUMMARY.** GHG emissions were substantially reduced from those identified in the DEIR mitigated: approximately 665,000 metric tons (mt) Carbon Dioxide Equivalent (CO₂e) in DEIR vs. 380,000 mt CO₂e capped and 6,000 mt CO₂e uncapped emissions in FEIR at buildout. The uncapped emissions in the FEIR are now under the significance threshold of 10,000 mt CO₂e after mitigation. Therefore, the significance finding changed from significant to less than significant.

1.6.6 Hydrology Study

- **Project Changes** (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years).
- **Address watershed and groundwater comments** by resource agencies and others.
- **SUMMARY.** Impacts identified in the original hydrology report were still less than significant with this new information (i.e., no new or substantially different significant impacts).

1.6.7 Noise Study

- **Project Changes** (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years).
- **Incorporate revised data from Traffic Impact Assessment** (see 1.6.9 below).
- **Revised analysis of indirect impacts on San Jacinto Wildlife Area (SJWA)** based on traffic study changes.
- **SUMMARY.** Impacts identified in the revised noise report are still significant even with this new information (i.e., but no new or substantially different significant impacts).

1.6.8 Fiscal/Employment Studies

- **Project Changes** (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years).
- **SUMMARY.** Impacts identified in the revised report are equivalent to those outlined in the original report accounting for the incremental reduction in project size (-3%).

1.6.9 Traffic Impact Assessment (TIA)

- **Project Changes** (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years).
- In response to comments, **the analysis of freeway impacts from WLC trucks was extended to the Ports of Los Angeles and Long Beach.** The extended analysis, covering more than 60 additional centerline miles of freeway, did not find any new impacts that were not already identified in the Draft TIA.
- In response to comments, **an analysis was performed of the feasibility of shipping cargos between the WLC and the Ports of Los Angeles and Long Beach by rail** instead of by truck. The analysis found that this was not feasible for a variety of reasons including the cost and environmental impacts of a new rail alignment, the high fixed handling costs for rail cargo that makes short hauls uneconomical, and system constraints with the rail system itself.
- In response to comments, **an analysis was performed of the potential safety impacts of WLC traffic on local schools.** The analysis found that the project would pose little

safety risk and that appropriate safety features were already present on roads near local schools.

- In response to comments, **a figure was added showing the designated Truck Routes** in the vicinity of the WLC.
- **The WLC implementation schedule was revised** so that Phase 1 is scheduled for completion in 2022 rather than in 2017, as was assumed in the draft report. The scenarios for 2017 were therefore dropped and the scenario for 2022 was revised to analyze Phase 1 only, not full buildout of the WLC.
- **A new chapter was added to analyze Existing Plus Phase 1** (only) conditions.
- **Various grammatical and reference corrections were made**, and in places the text and tables were revised to provide greater clarity to readers.
- **A list of references has been added to the end of each chapter** for the reader's reference.
- **SUMMARY.** Significant impacts identified for Baseline + Project, Phase 1, and Build out conditions of the WLC project still occur as generally indicated in the revised TIA. (Traffic impacts have been incrementally reduced corresponding to the reduction in the amount of building area associated with the project, resulting in no new or substantially different significant traffic impacts).

1.6.10 Utilities

- **Project Changes** (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years).
- **Added information about photovoltaic solar energy systems.**
- **SUMMARY.** Impacts identified in the original utility reports were still less than significant with this new information (i.e., no new or substantially different significant impacts).

1.7 CHANGES TO THE DRAFT EIR

Subsequent to circulation of the DEIR, several project changes were made as outlined in Section 1.4. In addition, several of the EIR technical studies were revised to address these project changes and to respond to comments made on the DEIR. The following summarizes the major changes to the DEIR document as a result of the changes to the project description and technical studies. It should be noted that none of these changes represent significant new information and do not result in substantially greater or new significant environmental impacts than those identified in the DEIR.

1.7.1 Executive Summary

- Incorporated all project changes, corrections from individual analysis sections (4.1 through 4.16), and corrections to EIR sections on other CEQA topics (alternatives, growth-inducing impacts, etc.).

1.7.2 Introduction

- Explain changes in project characteristics from those evaluated in DEIR.
- Briefly describe changes to technical studies.

1.7.3 Project Description

- Loss of 100 acres from the Specific Plan area, resulting in 1 million less square feet of potential logistics warehouse building area.

- Phasing increased from 10 to 15 years.
- Addition of Planning Areas to the Specific Plan.
- Identified Planning Area 22 as the location for the future alternative fueling facility.
- Relocated recreational trail away from open space area in southwest portion of site.

1.7.4 Aesthetics

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- In response to DEIR comments, modified Mitigation Measure (MM) 4.1.6.1C to add performance standard regarding loss of future views of Mt. Russell.
- No other changes after reviewing DEIR comments.
- **SUMMARY.** Mitigation changes will help assure views of Mt. Russell from SR-60 are not significantly blocked. Otherwise, significant impacts in revised DEIR are similar to those outlined in the original DEIR (i.e., no new or substantially different significant impacts).

1.7.5 Agricultural and Forest Resources

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- Based on DEIR comments, revised the LESA Model calculations by changing the project acreage, removing the state conservation area (no development), and modifying the Zone of Influence mapping. New results indicate impacts now slightly under LESA significance threshold, but out of an abundance of caution, did not change the impact conclusion (significant).
- Add offsite agricultural easement based on productivity as mitigation in response to DEIR comments regarding loss of locally important agricultural soils.
- **SUMMARY.** Revision of the LESA model now indicates significant agricultural impact is from loss of unique farmland only, and not the loss of locally important farmland. New offsite mitigation will reduce the impact to a less than significant level.

1.7.6 Air Quality/Health Risks

- Please refer to Section 1.6.2.

1.7.7 Biological Resources

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- Several mitigation measures had minor changes to address comments by resource agencies and others.
- Existing Setting information and analysis of project impacts was modified to include the updated MSHCP Consistency Report including a raptor foraging assessment. However, this information did not result in a change to the impact determination (i.e., less than significant) with proposed mitigation.
- The assessment of jurisdictional impacts was updated using the latest Jurisdictional Delineation.
- Prepared Programmatic DBESP Report in response to resource agency comments.

- City submitted MSHCP Consistency and DBESP Reports to County RCA for processing.
- **SUMMARY.** Impacts are still less than significant (i.e., no new or substantially different significant impacts with mitigation).

1.7.8 Cultural Resources

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- Modified mitigation language in response to comments by Native Americans, specifically MM 4.5.6.1A through 4.5.6.1E regarding archaeological resources and MM 4.5.6.2A regarding historical resources.
- **SUMMARY.** Impacts are still less than significant with mitigation.

1.7.9 Geology and Soils

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- No changes to the impact analysis sections after review of EIR comments.
- **SUMMARY.** Impacts are still less than significant with mitigation.

1.7.10 Greenhouse Gases/Climate Change

- Please refer to Section 1.6.5.

1.7.11 Hazards and Hazardous Materials

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- No changes to the impact analysis sections after review of EIR comments.
- **SUMMARY.** Impacts similar to those identified in the DEIR (less than significant with mitigation).

1.7.12 Hydrology and Water Quality

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- Minor changes to text were made to address watershed and groundwater comments by resource agencies and others.
- Minor modifications to MMs 4.9.6.1A, 4.9.6.2A through 4.9.6.2B, 4.9.6.3A, and 4.9.6.3C were made to address comments by resource agencies and others.
- **SUMMARY.** Impacts similar to those identified in the DEIR (less than significant with mitigation).

1.7.13 Land Use and Planning

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- **SUMMARY.** No changes to the impact analysis sections after review of EIR comments (i.e., significant impact of dividing existing neighborhood of onsite rural residences).

1.7.14 Mineral Resources

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- **SUMMARY.** No changes after review of EIR comments (i.e., impacts less than significant).

1.7.15 Noise

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- Incorporate data revised noise study (based on revised TIA).
- Added discussion about indirect impacts to San Jacinto Wildlife Area but there is no change in the conclusions (not significant).
- **SUMMARY.** Impacts identified in the revised noise report are still significant even with this new information (i.e., but no new or substantially different significant impacts).

1.7.16 Population, Housing, and Employment

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- Various changes to reflect revised fiscal and employment study by David Taussig and Associates (see Section 1.5.8 above).
- **SUMMARY.** No changes after review of EIR comments (i.e., all impacts less than significant).

1.7.17 Public Services

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- Minor revisions to show possible future fire station site now planned within the WLC Specific Plan.
- **SUMMARY.** No other changes after review of EIR comments (i.e., all impacts less than significant).

1.7.18 Traffic and Circulation

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- Extend freeway impact analysis to LA Ports to respond to DEIR comments.
- Added a discussion of the “Baseline Plus Phase 1” scenario from revised TIA to provide more accurate analysis from the TIA consistent with the latest CEQA court cases.
- Despite many comments, EIR section was not changed based on analysis of potential use of rail service to the WLC project and evaluation of truck safety near schools, both in response to comments by local school district.
- Made several corrections or additions to be fully consistent with data provided in the TIA.
- Added a truck trip distribution figure in response to DEIR comments.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- **SUMMARY.** Significant impacts identified for Baseline + Project, Phase 1, and Build out conditions of the WLC project still occur as generally indicated in the revised TIA. Traffic impacts have been incrementally reduced corresponding to the reduction in the amount of building area associated with the project, resulting in no new or substantially different significant traffic impacts).

1.7.19 Utilities

- Incorporate revised project data (100 acres less project area, 1 million square feet less building area, and phasing increased from 10 to 15 years) and revised entitlement data.
- Minor changes in water and drainage sections to be consistent with revised hydrology study (see Section 1.6.12 above).
- Added information about photovoltaic solar energy systems.
- **SUMMARY.** No other changes after review of EIR comments (i.e., all impacts less than significant).

1.7.20 Other CEQA Topics

- No changes after review of EIR comments regarding significant impacts or growth-inducing impacts of the WLC project.
- Revisions to agricultural reports indicate that impact from loss of locally important agricultural land is actually less than significant and only loss of unique farmland must be mitigated.
- Revised air quality reports indicate cancer risk impacts are only significant for onsite rural residences, not offsite residences, even with expanded mitigation.
- Revised traffic report indicates Baseline + Project, Phase 1, and Build out conditions of the WLC project still occur but in different years for Phase 1 (2022 instead of 2017) and Build out (2027 vs. 2022).

1.7.21 Alternatives

- Slight adjustments to Project Objectives (see previous Section 1.5) to more accurately reflect the goals of the project relative to the Los Angeles Ports.
- No other changes after review of EIR comments.

1.8 RECIRCULATION

Any corrections to the DEIR text, tables, and figures generated either from responses to comments or independently by the City, are outlined in Volume 2 of this FEIR. In other words, the DEIR text, tables, and figures have been modified and published in their entirety as a single document to reflect these EIR modifications. In this regard, Volume 2 shows the additions and corrections in underline/strikeout format, and Volume 3 shows the revised document “clean” with no annotations so the reader can see the final “results” of all the changes.

These DEIR revisions are provided to clarify, refine, and provide supplemental information for the WLC Project DEIR. Changes may be corrections or clarifications to the text, tables, and figures of the original DEIR. Other changes to the DEIR clarify the analysis in the DEIR based upon the information and concerns raised by comments during the public review period. None of the information contained in these DEIR revisions constitutes significant new information or changes to the analysis or conclusions of the DEIR.

It is the conclusion of the City that the information included in all the DEIR revisions and technical studies that resulted from the public comment process do not constitute substantial new information that requires recirculation of the DEIR. The CEQA Guidelines, Section 15088.5, states in part:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the DEIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:
- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
 - (4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The changes to the DEIR included in these EIR modifications do not constitute “significant” new information because:

- No new significant environmental impact would result from the project or from a new mitigation measure;
- There is no substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted that reduce the identified significant impacts to a level of insignificance;
- No feasible project alternative or mitigation measure considerably different from others previously analyzed has been proposed or identified that would clearly lessen the significant environmental impacts of the project; and
- The DEIR is not fundamentally or basically inadequate or conclusory in nature such that meaningful public review and comment were precluded.

Therefore, recirculation of the DEIR is not required because the new information added to the EIR through these modifications clarifies or amplifies information already provided or makes insignificant modifications to the already adequate DEIR.

Table 1-C summarizes the results of the various technical studies and analyses and compares them to the CEQA standards for EIR recirculation.

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Table 1-C: EIR Changes vs. Recirculation (matrix)

Item	DEIR Level of Significance	Is it New Information?	Is the Info Significant?	New Mitigation	Mitigated Below Significance	CEQA Threshold for Recirculation Exceeded?	Brief Description
PROJECT DESCRIPTION							
SP Boundary Change (-100 acres sw corner)	–	Yes	No	–	–	No	Cactus Ave. alignment isolates property to west. As a result landowner(s) agree with City request to keep existing zoning.
Density Reduction (Reduced 1 MSF)	–	Yes	No	–	–	No	Loss of 100 acres resulted in a reduction of 1 MSF in the project building area.
Phasing Changes	–	Yes	No	–	–	No	Phase 1 will be completed in 2022 rather than 2017 (assumed in DEIR). Separate scenario for 2017 was dropped and the scenario for 2022 was revised to analyze Phase 1 only, not build-out of the WLCSP.
AESTHETICS Significant and Unavoidable							
SP Boundary Change (-100 acres sw corner)	–	Yes	No	No	–	No	Project acres and square footage reduced but visual and lighting impacts equivalent to those outlined in DEIR.
Density Reduction (Reduced 1 MSF)	–	Yes	No	No	–	No	Project acres and square footage reduced but visual and lighting impacts equivalent to those outlined in DEIR.
Phasing Changes	–	Yes	No	No	–	No	Project phasing will not affect aesthetics
Mitigation changes	–	Yes	No	Modified	Yes	No	Add performance standard to viewshed measure to assure preservation of Mt. Russell views. In addition, 4 special edge treatment areas have been added to the perimeter of the project site.
AIR QUALITY Significant and Unavoidable							
Construction Duration - 10 yr to 15 yr	–	Yes	No	No	–	No	Best case 2014 const. start leaves only 8 yrs. Increased to 15 years, use 2015 as const. start. Analyzed years 2022, and 2035. No new significant impacts noted
Varying Exposure Durations for Health Risk Assessment	–	Yes	No	No	–	No	For comparison a 30 year exposure analysis was provided in the DEIR based on application of the updated California Office of Environmental Health Hazards Assessment cancer risk guidance for information purposes only
Cancer Burden	–	Yes	No	No	–	No	Included cancer burden analysis which establishes a numerical value for the cancer risk values shown in the DEIR; impact less than ignificant after mitigation
Age Sensitivity Analysis for Schools	–	Yes	LTS	No	–	No	Prepared an age sensitivity analysis for cancer risk to school-site school age children, including the new proposed high school #5 located north of SR-60. Based on a 9-year exposure, the impact was less than significant.
Extend Freeway Impact Analysis to Ports	–	Yes	No	No	–	No	analysis of freeway impacts was extended to LA ports to determine if port-serving trips caused significant air quality impacts. No new significant impacts noted
SP Boundary Change (-100 acres)Logistics Reduction (Reduced 1 MSF)	–	Yes	No	No	–	No	Removal of 100 acres from the Specific Plan resulting in the reduction of 1 msf of logistics uses and the associated reduction of air quality
On-Site Worker Impacts	–	Yes	No	No	–	No	Examine potential air quality/health risk impacts to onsite workers 25-year exposure timeframes for information purposes only; no new significant impacts noted after mitigation
AGRICULTURE Significant and Unavoidable							
Recalculated LESA Model	LTS	Yes	No	New	Yes	No	LESA model re-run (without CDFW conservation land) indicates less than significant impact for loss of locally important farmland. Offsite mitigation is for loss of Unique Farmland, which reduces agricultural impacts to less than significant levels.
Add offsite mitigation	–	Yes	No	Yes	Yes	No	investigation of offsite mitigation for loss of agricultural land based on productivity of WLC site compared to offsite location.
BIOLOGY Less Than Significant							
Revise/Update Technical Studies	–	Yes	No	Modified	Yes	No	Project bio reports (MSHCP Consistency, Jurisdictional Delineation, Burrowing Owl Survey) were updated due to length of time EIR was taking to process and to respond to comments on DEIR.
Raptor Habitat	–	Yes	Potential	MSHCP	Yes	No	Raptor habitat changed to potentially significant but mitigated to less than significant with payment of MSHCP fees.
MSHCP/DBESP processing	–	Yes	No	Modified	Yes	No	Updated MSHCP and prepared DBESP and processing with City and RCA. Not a CEQA requirement but included in updated biology.
CULTURAL Less Than Significant							
SP Boundary Change (-100 acres)	–	Yes	No	Modified	Yes	No	Cactus Ave. alignment isolates property to west. As a result landowner(s) agree with City request to keep existing zoning. Mitigation language modified in response to Native American concerns and requests.
Realignment of Cactus Avenue	–	Yes	No	No	Yes	No	100 acres was removed from southwest corner of WLCSP and that land was subsequently proposed for a separate development. The planned eastern extension of Cactus Avenue will be rerouted around the new development proposal and through the 74.3 acres of open space land proposed within the WLCSP (southwest corner). Potential cultural impacts can be effectively mitigated by implementatio of mitigation in DEIR.
Alessandro Boulevard	–	Yes	No	No	–	No	Streets D and E within the WLC were realigned to closely resemble the historic route of Alessandro Boulevard.
NOISE Significant and Unavoidable							
Update based on Project and TIA changes	–	Yes	No	Modified	No	No	Incremental reduction in noise impacts due to less acreage and square feet, but still significant as outlined in DEIR.
HYDROLOGY Less Than Significant							
SP Boundary Change (-100 acres)	–	Yes	No	No	–	No	Project hydrology report was revised to address changes in project size and address comments by adding data to clarify detention basin characteristics and specify no groundwater impacts.
Density Reduction (Reduced 1 MSF)	–	Yes	No	Modified	Yes	No	Hydrology report was revised to address different acreage and provide more detail to address many comments on DEIR.
TRAFFIC Significant and Unavoidable							
Extent Freeway Impact Analysis to Ports	–	Yes	No	No	–	No	Study concluded no significant impacts. Traffic below significant thresholds.
Potential Use of Rail	–	Yes	No	No	–	No	TIA substantiates rail is not a feasible alternative.
Trucks and Traffic Safety near Schools	LTS	Yes	No	No	–	No	TIA revised to evaluate WLC truck traffic near 36 local schools, found no significant impacts from project traffic.
Add Truck Route Figure to EIR	–	No	–	No	–	–	TIA figure will be added to EIR.

Modified Phasing Plan	—	Yes	No	No	No	No	Phase 1 will be completed in 2022 rather than 2017 (assumed in DEIR).
Existing Plus Phase 1 Analysis	—	Yes	No	No	No	No	New chapter will be added to TIA to analyze Existing Plus Phase 1 conditions per latest court cases on baseline. TIA still shows significant impacts within City and in other jurisdictions that cannot be mitigated below significance as the City has no control over improvements in other jurisdictions.
SP Boundary Change (-100 acres) & Reduction of 1 MSF	—	Yes	No	—	—	—	See Project Description Change #1 above. TIA modified to account for 100 fewer acres and 1 million square feet less of logistics buildings. Potential impacts are incrementally less than those examined in DEIR due to acreage and square footage reductions (-3.7%).
Grammatical Corrections	—	No	No	—	—	No	TIA needed some minor changes to fix spellings and make text more readable.
Add Reference List for each section	—	No	No	—	—	No	To assist the reader, references were listed for each section of the TIA.
UTILITIES Less Than Significant							
SP Boundary Change (-100 acres sw corner)	—	Yes	No	No	—	No	Revised per acreage and square foot changes in SP.
Density Reduction (Reduced 1 MSF)	—	Yes	No	No	—	No	Revised per square foot changes in SP.
Phasing Changes	—	Yes	No	No	—	No	Infrastructure phasing evaluated per new phasing plan.
GREENHOUSE GASES Significant and Unavoidable							
Extent Freeway Impact Analysis to Ports	—	Yes	No	No	—	No	Info merely responds to questions about GHG impacts examining truck trips all the way to the LA ports, no additional mitigation needed
SP Boundary Change (-100 acres sw corner)	—	Yes	No	No	—	No	Revised per acreage and square foot changes in SP.
Density Reduction (Reduced 1 MSF)	—	Yes	No	No	—	No	Project sill significant due to size, same level or mitigation proposed
State Cap and Trade Program	—	Yes	No	No	Yes	No	Participation by oil refineries in the new State "Cap and Trade" Program effectively mitigates Air Quality Impacts from diesel trucks that would be utilized by the WLC project
Phasing Changes	—	Yes	No	No	—	No	Project sill significant due to size, same level or mitigation proposed

LTS= Less than Significant

Revised March 26, 2015

2.0 RESPONSE TO COMMENTS

A total of one-hundred and forty-four (144) comment letters on the DEIR were received. Twenty-three (23) of the comment letters received were from Federal, State, regional, or local agencies. Fifteen (15) comment letters were received from private organizations or conservation groups, and one-hundred and five (106) letters were received from individuals. All one-hundred and forty-four letters (144) have been responded to within this document. Comments that address environmental concerns have been specifically addressed. Comments that (1) do not address the adequacy or completeness of the DEIR; (2) do not raise environmental issues; or (3) do request the incorporation of additional information not relevant to environmental issues, do not require a response, pursuant to Section 15088(a) of the CEQA Guidelines.

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

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the DEIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.
- c) The response to comments may take the form of a revision to the DEIR or may be a separate section in the FEIR. Where the response to comments makes important changes in the information contained in the text of the DEIR, the lead agency should either:
 - 1. Revise the text in the body of the EIR; or
 - 2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in this Volume 1 of the FEIR clarifies, amplifies, or makes minor modifications to the DEIR. No significant changes have been made to the information contained in the DEIR as a result of the responses to comments, and no significant new information has been added that would require recirculation of the document.

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

The persons, organizations, and public agencies that submitted comments regarding the DEIR through December 1, 2013, are listed below. A total of one-hundred and forty-four (144) comment letters were received. Twenty-three (23) of the comment letters received were from Federal, State, regional, or local agencies. Fifteen (15) comment letters were received from private organizations or

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

conservation groups, and one-hundred and five (106) letters were received from individuals. Each comment letter received is indexed with a letter and number below.

A. FEDERAL AGENCIES/TRIBAL GROUPS

- A-1 United States Army Corps of Engineers (March 4, 2013)**
Jennifer Lillard, Project Manager
- A-2 Morongo Band of Mission Indians (February 12, 2013)**
Franklin Dancy, Director of Planning
- A-3 Pechanga Band of Luiseño Indians (April 8, 2013)**
Anna Hoover, Cultural Analyst
- A-4 United States Environmental Protection Agency (April 8, 2013)**
Angeles Herrera, Associate Director of Communities and Ecosystems Division
- A-5 Soboba Band of Luiseño Indians (April 8, 2013)**
Joseph Ontiveros, Director of Cultural Resources
- A-6 United States Fish and Wildlife Service (April 22, 2013)***
Kennon Corey, Assistant Field Supervisor

B. STATE AGENCIES

- B-1 California Office of Planning and Research, State Clearinghouse (March 25, 2013)**
Scott Morgan, Director State Clearinghouse
- B-2 California Department of Transportation (Caltrans) (April 5, 2012)**
Daniel Kopulsky, Office Chief, Community Planning/ICR-CEQA
- B-3 California Department of Fish and Game (April 8, 2013)**
Jeff Brandt, Senior Environmental Specialist
- B-4 California State Parks Department (April 8, 2013)**
Ron Krueper, District Superintendent
- B-5 California Air Resources Board (April 16, 2013)***
Cynthia Marvin, Chief, Stationary Source Division
- B-6 Santa Ana Regional Water Quality Control Board (April 25, 2013)***
Mark Adelson, Chief, Regional Planning Section

C. REGIONAL AGENCIES

- C-1 Southern California Edison (March 25, 2013)**
Raymond Hicks, Local Public Affairs Region Manager
- C-2 Metropolitan Water District of Southern California (April 8, 2013)**
Deirdre West, Manager, Environmental Planning Team
- C-3 South Coast Air Quality Management District (April 9, 2013)***
Ian McMillan, Program Supervisor, Intergovernmental Review

- C-4 Semptra Energy (April 29, 2013)**
Thomas Acuna, Land Planning Supervisor (April 24, 2013)

D. COUNTY DEPARTMENTS/AGENCIES

- D-1 Riverside County Flood Control and Water Conservation District (March 25, 2013)**
Henry Olivo, Engineering Project Manager
- D-2 Riverside County Transportation and Land Use Management Agency (TLMA) (April 9, 2013)**
Juan Perez, Director of Transportation and Land Management

E. LOCAL AGENCIES/CITY DEPARTMENTS

- E-1 City of Perris (April 3, 2013)**
Kenneth Phung, Interim Planning Manager
- E-2A City of Riverside (April 8, 2013)**
Steve Hayes, City Planner
- E-2B City of Riverside (April 8, 2013)**
Steve Hayes, City Planner
- E-3 Moreno Valley Unified School District (April 8, 2013)**
Judy White, Superintendent
- E-4 City of San Jacinto (April 9, 2013)***
Tim Hults, City Manager
- E-5 City of Redlands (October 7, 2013)***
Tabitha Kevari, Associate Planner, Development Services Department

F. COMMUNITY/CONSERVATION GROUPS

- F-1 Center for Biological Diversity/San Bernardino Valley Audubon Society (April 5, 2013)**
Jonathan Evans, Staff Attorney
- F-2 American Lung Association (April 5, 2013)**
Terry Roberts, Area Director
- F-3 California Clean Energy Committee (April 8, 2013)**
Eugene Wilson
- F-4 California Outdoor Heritage Alliance (April 8, 2013)**
Bill Gaines, President
- F-5 Inland Empire Waterkeeper (April 8, 2013)**
Colin Kelly, Staff Attorney
- F-6 Endangered Habitats League (April 8, 2013)**
Michael Fitts, staff Attorney

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- F-7A Lozeau Drury LLP (April 5, 2013)**
Richard Drury, Cathy Lee, and Lozeau Drury, Attorneys for LIUNA Local Union No. 1184
- F-7B Lozeau Drury LLP (April 5, 2013)**
Richard Drury, Cathy Lee, and Lozeau Drury, Attorneys for LIUNA Local Union No. 1184
- F-7C Lozeau Drury LLP (April 5, 2013)**
Richard Drury, Cathy Lee, and Lozeau Drury, Attorneys for LIUNA Local Union No. 1184
- F-8 Shute Mihaly and Weinberger LLP (April 8, 2013)**
Rachel Hooper and Laurel Impett, AICP
- F-9A Sierra Club and NRDC⁹ and CCAEJ¹⁰ (April 8, 2013)**
Adriano Martinez, Staff Attorney
- F-9B Sierra Club and NRDC and CCAEJ (April 8, 2013)**
Adriano Martinez, Staff Attorney
- F-9C Sierra Club and NRDC and CCAEJ (April 8, 2013)**
Adriano Martinez, Staff Attorney
- F-10 Tri-County Conservation League (April 8, 2013)**
Greg Ballmer, TCCL President
- F-11 Sierra Club, San Geronio Chapter (April 8, 2013)**
George Hague, Conservation Chair, Moreno Valley Chapter
- F-12 Sierra Club (Email) (April 8, 2013)**
George Hague, Sierra Club, Moreno Valley Group Conservation Chair
- F-13 Sierra Club and FLMV¹¹ (April 8, 2013)**
Raymond Johnson, Johnson & Sedlack
- F-14 Sierra Club (April 30, 2013)***
George Hague, Sierra Club, Moreno Valley Group Conservation Chair
- F-15 California Clean Energy Committee (June 25, 2013)***
Eugene Wilson, California Clean Energy Committee

G. PRIVATE INDIVIDUALS

- G-1 Mike and Linda Cree (March 10, 2013)**
- G-2 Perry Johnson (email) (March 14, 2013)**
- G-3 Scott Thompson (email) (February 27, 2013)**
- G-4A Devlin Engineering (March 21, 2013)**
- G-4B Devlin Engineering (March 21, 2013)**
- G-5 Devlin Engineering (March 25, 2013)**

⁹ Natural Resources Defense Council

¹⁰ Center for Community Action and Environmental Justice – Penny Newman, President

¹¹ Friends for a Livable Moreno Valley – Ray Johnson attorney

- G-6 Melissa Moore (email) (March 20, 2013)**
- G-7 Dacomando (email) (April 2, 2013)**
- G-8 Tom Hyatt (email) (March 30, 2013)**
- G-9 Charles Moothart (March 27, 2013)**
- G-10 Alexander and Rachel Moreno (March 27, 2013)**
- G-11 Donald Papiernik (March 27, 2013)**
- G-12 Paul and Kathy Dembowski (March 27, 2013)**
- G-13 Michael Cox (March 27, 2013)**
- G-14 Ruben Soto (March 27, 2013)**
- G-15 Gloria Wike (April 1, 2013)**
- G-16 Jim, Rosemary, and Paul Hernandez (March 28, 2013)**
- G-17 Joanne Lindgren (April 1, 2013)**
- G-18 Sam Zaidy (March 24, 2013)**
- G-19 Betty Masters (email) (April 3, 2013)**
- G-20 Jack Weleba (April 5, 2013)**
- G-21 Skete Simmons (April 5, 2013)**
- G-22 Curt Perry (April 5, 2013)**
- G-23 Jeff Hamman (April 5, 2013)**
- G-24 Jeff Dandridge (April 5, 2013)**
- G-25 Mark McMorris (April 5, 2013)**
- G-26 Michael Marshall (April 5, 2013)**
- G-27 Radene Hiers (email) (April 6, 2013)**
- G-28 Clinton Blain (email) (April 5, 2013)**
- G-29 Stephen Coates (email) (April 5, 2013)**
- G-30 Robie and Douglas Coffing (email) (April 7, 2013)**
- G-31 Darryl LaFayette (email) (April 7, 2013)**
- G-32 Barbara and Bryon Johnson (email) (April 3, 2013)**
- G-33 Tom Behrens (email) (April 8, 2013)**
- G-34 Lindsay Robinson (email) (April 7, 2013)**
- G-35 Peggy Hadaway and John Neal (email) (April 7, 2013)**
- G-36 Scott Heveran (email) (April 7, 2013)**
- G-37 Robert Wilson (email) (April 7, 2013)**
- G-38 Jay and Sylvia Koo (April 3, 2013)**
- G-39 Eusebio and Elisa Urias (April 3, 2013)**
- G-40 Mayra Pelayo (April 3, 2013)**

**Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project**

- G-41 Margaret Koehler (April 3, 2013)**
- G-42 Kathleen Dale (April 8, 2013)**
- G-43 Catherine Yorkovich (email) (April 8, 2013)**
- G-44 Jerry Villaneuva (email) (April 8, 2013)**
- G-45 Ted and Marica Amino (email) (April 8, 2013)**
- G-46 Tracy Hodge (email) (April 8, 2013)**
- G-47 Louann Moore (email) (April 8, 2013)**
- G-48 Donna Castelos (email) (April 8, 2013)**
- G-49 Karen Jakpor (April 8, 2013)**
- G-50 Ann McKibben (April 8, 2013)**
- G-51 Michael McCoy (email) (April 7, 2013)**
- G-52 Steve Jiannino (April 8, 2013)**
- G-53 Deanna Reader and Kenny Bell (email) (April 8, 2013)**
- G-54 Jose and Alicia Espinosa (email) (April 8, 2013)**
- G-55 Duncan Bush (April 5, 2013)**
- G-56 Ned and Dawn Newkirk (April 8, 2013)**
- G-57 Tracy Hodge (April 7, 2013)**
- G-58 Faith Wong (email) (April 8, 2013)**
- G-59 Thomas Harris (email) (April 8, 2013)**
- G-60 Timothy Newkirk (email) (April 9, 2013)**
- G-61 Tiffany Newkirk (email) (April 9, 2013)**
- G-62 Barbara Smith (email) (April 8, 2013)**
- G-63 Shelly Mesa (email) (April 8, 2013)**
- G-64 Rosamonde Cook (April 8, 2013)**
- G-65 Ladona Jempson (email) (April 8, 2013)**
- G-66 Karyn Drennan (email) (April 8, 2013)**
- G-67 Michael Eberhard (April 8, 2013)**
- G-68 Craig and Joan Givens (email) (April 9, 2013)***
- G-69 Kathy Schmitt (April 9, 2013)***
- G-70 Amora Johnson (email) (April 9, 2013)***
- G-71 Lawrence Woodward (April 9, 2013)***
- G-72 Cris Lins (April 8, 2013)**
- G-73 Randolph Levin (April 8, 2013)**
- G-74 D. Moore (April 8, 2013)**
- G-75 Donald A. Holt (April 8, 2013)**
- G-76 Gary Klann (April 8, 2013)**

- G-77 Efrain Rocha (April 8, 2013)**
- G-78 Ingrid Tipton (April 4, 2013)**
- G-79 William Dyer (April 8, 2013)**
- G-80 Stan Perry (April 8, 2013)**
- G-81 William Crocker (April 8, 2013)**
- G-82 John Cargasacchi (April 8, 2013)**
- G-83 Louis and Lavine LaBelle (March 28, 2013)**
- G-84 John Mamulski (April 8, 2013)**
- G-85 Ana Hernandez (email) (April 10, 2013)***
- G-86 Eric Johnson (April 9, 2013)***
- G-87 E. Madera (email) (April 10, 2013)***
- G-88 Conchita Marusich (April 10, 2013)***
- G-89 Tom Paulek and Susan Nash (April 5, 2013)**
- G-90 Mr. and Mrs. H.W. Wolterbeek (April 8, 2013)**
- G-91 Gary Matheny (March 27, 2013)***
- G-92 Val and Marcella Garcia (April 11, 2013)***
- G-93 Heather Walsh (April 15, 2013)***
- G-94 Artie Melton (April 16, 2013)***
- G-95 Thomas Thornsley (email) (April 8, 2013)**
- G-96 Margie Breikreuz (April 8, 2013)**
- G-97 Otana Jakpor (April 8, 2013)**
- G-98 Hans and Barbara Wolterbeek (email) (April 17, 2013)***
- G-99 Loretta and William Kilday (April 19, 2013)***
- G-100 Mary Coil (email) (May 13, 2013)***
- G-101 Allan Smiley (May 20, 2013)***
- G-102 Victoria Suiter (May 8, 2013)***
- G-103 Robert Hewitt (April 5, 2013)**
- G-104 Maureen Clemens (May 29, 2013)***

* received after close of the public review period [February 5, 2013 to April 8, 2013].

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

2.2 ENVIRONMENTAL ISSUES RAISED BY COMMENTERS

The following table shows in general where Master Responses to Comments are addressed (i.e., specific letters and responses within those letters). This will assist readers in finding general responses to the major environmental issues raised by commenters.

Table 2.A: Master Responses to Major Topics Raised by Commenters

Topic	Response to Comment
Aesthetics	F-8-3
Lighting	F-1-21 through F-1-25
Agriculture	F-7A-39 through F-7A-45
Air Pollution/HRA/GHG	C-3
Climate and Water	F-1-74
Schools and Air Quality	E-3-7, F-11-36, F-11-22
Solar/Renewable Energy	F-3-19
Alternative sites	F-7A-67, G-52-1 and G-52-2
Biology	F-7A-25 through F-7A-36
Bio Cumulative Impact/General Plan/MSHCP	F-7A-9
Bio Surveys Table	B-3-4
Burrowing Owl	F-7A-26
CDFW Buffer Area Defined	F-4-2
Raptor Foraging Habitat	F-7A-25
Jurisdictional Waters	F-7A-37 and F-1-15
Plant Surveys	F-7A-28
Wetlands	F-1-15
Cultural Resources	A-3
Cumulative (traffic, ag, air)	F-7A-61 through F-7A-65
Economic/Fiscal/Panama Canal	F-10 and G-88
Jobs and Commuting	F-3-12
Hazmat	F-7A-18 through F-7A-23
Hydrology	B-3-38
Water Basins	F-5-22
Routing Storm Water	F-5-15
Sediment analysis	F-5-16
Water Infiltration	F-5-10
Water Quality	F-5-12
Water Quality and BMPs	F-1-78
Recirculation	E-3-1
Skechers	G-51-3
Traffic	E-2A-4 through E-2A-9
Trucks and the Ports	F-1-49

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table 2.B shows where detailed major issues and concerns are addressed (i.e., specific letters and responses within those letters). This will assist readers in finding responses to their comments, as well as responses to similar comments made by multiple commenters.

Table 2.B: Detailed Index of Environmental Issues Raised by Commenters

Major Comments/Issues	Addressed in Detail in Letters/Comments	Mentioned to Some Degree in Letters/Comments
GENERAL TOPICS	F-8-66, F-8-96, F-11-21	F-7A-11, F-7A-14, F-7A-16, F-7A-17, F-7A-38, F-7A-62, F-8-4, F-8-5, F-8-6, F-8-9, F-8-10, F-8-11, F-8-13, F-8-23, F-8-33, F-8-65, F-8-99, F-8-111, F-8-120, F-9A-40, F-9B-46, F-11-9, F-11-30, F-13-3, F-13-4, F-13-5, F-13-13, G-2-2, G-2-9, G-5-12, G-7-1
Aesthetics, Views of Project, Lighting	F-1-24, F-1-25, F-1-26, F-8-16, F-8-55, F-8-56, F-13-8, F-13-15, F-13-21, G-5-6, G-9-3, G-67-2	B-4-15, F-1-21, F-1-22, F-1-23, F-1-27, F-1-28, F-8-4, F-8-17, F-8-58, F-8-59, F-8-60, F-13-14, F-13-16, F-13-17, F-13-19, F-13-20, G-1-3, G-2-4, G-3-5, G-5-4, G-5-5, G-5-11, G-9-2, G-33-5, G-57-14, G-95-14, G-95-17, G-95-18, G-95-22, G-95-37, G-95-38, G-95-39, G-95-40, G-95-42, G-95-43
Agriculture	F-7A-39, F-7A-40, F-7A-42, F-13-6	B-6-10, F-7A-41, F-7A-46, F-13-22, G-95-59, G-95-61, G-95-63, G-95-94, G-95-96, G-95-67, G-95-68, G-95-69
Air Quality	F-9A-39	A-4-2, C-3-3, F-7A-61, F-13-32, G-1-2, G-1-5, G-17-3, G-19-1, G-19-4, G-32-1, G-33-4, G-34-3, G-35-2, G-35-3, G-37-1
Health Risks	F-13-9, G-1-2	B-5-7, F-9A-42
Traffic Impacts on Air	F-9A-17	
Alternatives	F-7A-10, F-7A-66, F-7A-67, F-7A-68, F-8-107, F-8-118, F-9A-45, G-42-1	B-3-47, B-4-3, B-6-9, F-1-87, F-7A-67, F-7A-68, F-8-110, F-8-113, F-8-114, F-8-115, F-1-116, F-8-119, F-13-101, F-13-102, F-13-103, F-13-104, G-3-3, G-5-9, G-42-2, G-67-3
Rail Access	G-53-4, G-70-5	F-3-11, F-6-1, F-6-2, F-6-3, G-2-7, G-18-1, G-34-5, G-35-4, G-49-19, G-68-3, G-96-3
Biological Resources	A-6-11, A-6-17, B-3-3, B-3-6, B-3-7, B-3-20, B-3-21, B-3-22, B-3-48, B-2-50, B-4-6, B-4-9, B-4-11, B-4-13, E-2A-20, E-2A-21, F-7A-2, F-7A-37, F-7A-64, F-7C-6, F-7C-7, F-7C-17, F-7C-23, G-66-1, G-66-3	B-3-5, B-3-12, B-3-19, B-3-23, B-3-24, B-3-25, B-3-29, B-3-32, B-3-35, B-3-54, B-4-2, B-4-12, F-1-14, F-1-23, F-1-39, F-7A-5, F-7A-30, F-7A-33, F-7A-34, F-7C-9, F-11-39, F-13-47, G-6-1, G-15-2, G-18-2, G-20-3, G-42-3, G-66-4, G-86-1, G-89-19, G-89-20
Burrowing Owl	A-6-12, A-6-13, B-3-53, F-1-33, F-1-37, F-7A-56, F-7C-18, F-11-38	F-1-31, F-1-32, F-7C-3, F-7C-4, F-7C-5, F-8-18, F-13-46
MSHCP	A-6-5, E-2A-19, E-2A-23, F-1-18, F-1-34, F-4-2, F-7A-9, F-7A-26, F-7A-28, F-7A-29, F-13-7, G-50-4, G-64-1, G-64-2, G-64-3	A-6-6, B-3-4, B-3-8, B-3-9, B-3-10, B-3-15, B-3-16, B-3-41, B-3-49, B-4-5, F-1-13, F-1-16, F-1-35, F-1-36, F-7A-24, F-7A-31, F-

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table 2.B: Detailed Index of Environmental Issues Raised by Commenters

Major Comments/Issues	Addressed in Detail in Letters/Comments	Mentioned to Some Degree in Letters/Comments
Los Angeles Pocket Mouse (LAPM)	A-6-14, A-6-15, B-3-11, F-7A-53	7A-32, F-7A-35, G-64-23, G-89-13, G-89-15, G-89-16, G-89-18 F-7A-27, F-7C-8, F-13-46
Foraging Habitat	B-3-14, F-7A-25, F-7A-36, F-7A-52,	B-3-13, F-7C-19
Buffer Zone	A-6-7, A-6-16, B-3-43, F-1-2, F-1-38, F-7A-55, F-11-25, G-74-8	B-4-14, F-1-9, G-57-12, G-88-1, G-89-2, G-89-4, G-89-5, G-89-8, G-95-10, G-95-15, G-95-16, G-95-19, G-95-35, G-103-3
Riparian/Riverine Habitat	A-6-9, B-3-17, F-1-15	A-6-10, B-3-18
Jurisdictional Permitting (Army Corps, etc.)	A-1-1, F-1-10, F-7C-16, F-8-19	D-1-6, F-1-11, F-3-29
San Jacinto Wildlife Area	B-3-51, F-5-23, F-5-25, F-10-9, F-10-10, F-11-25, F-13-75, G-20-1, G-71-1	B-3-44, B-3-52, F-8-117, F-13-45, G-6-1, G-20-4, G-34-7, G-95-38
Lake Perris State Recreational Area	B-4-4, B-4-8	B-4-10, F-4-3, F-5-5
Cultural Resources	A-3-3, A-3-11, A-3-2, 3 A-5-6, F-16-61, F-16-66	A-2-1, A-3-13, A-3-14, A-3-15, A-3-18, F-13-62, F-13-63, F-13-64, F-16-65
Open Space and Trail	F-11-26,	A-3-2, A-3-21, A-3-22
Native American Consultation	A-5-2	A-3-8, A-3-9, A-5-5
Economics	F-10-7, G-27-2	E-2A-26, F-8-107, F-8-108, F-11-15, G-2-6, G-3-8, G-95-75, G-95-82
Panama Canal	G-53-5	G-2-3
Housing	F-8-105	G-95-74
WLC Employment Projections	F-3-12, F-8-94, G-68-4	E-3-12, F-8-93, F-8-95, F-15-3, G-1-4, G-3-1, G-3-2, G-3-4 to G-3-6, G-3-7, G-5-10, G-17-4, G-19-2, G-20-3, G-22-9, G-33-7, G-33-8, G-34-6, G-47-2, G-49-22, G-51-15, G-53-2, G-56-10, G-57-2, G-59-2, G-90-1, G-90-5, G-95-73, G-95-76, G-95-77
Geology	F-8-8, F-8-90	F-8-20, F-8-86, F-8-88, F-8-89, F-8-90, F-90-92, F-13-67, F-13-68, G-51-14, G-51-51
General Plan, Amendment, and Annexation	F-8-61, F-11-42, G-70-1	F-8-7, F-8-15, F-8-74, F-8-75, F-8-121, F-8-122, F-8-123, F-13-76, F-14-1, G-1-6, G-12-4, G-27-5, G-34-2, G-35-5, G-37-3, G-50-1, G-54-1, G-57-4, G-57-15, G-68-2, G-89-3, G-95-5, G-95-24, G-95-30
GHG	B-3-45, F-1-75, F-1-77, F-1-78, F-3-18, F-7A-57, F-11-28, F-11-44	B-3-31, F-1-79, F-1-80, F-11-28,
Hazards	E-3-11, F-7A-7	F-3-31, F-7A-21, F-7A-23, F-7A-60, F-8-76, F-8-77, F-8-78
Hydrology and Water Quality	B-3-39, F-5-10, F-5-12, F-5-13, F-5-23, F-8-52, F-11-32, F-13-75	B-6-3, B-6-7, F-5-3, F-5-6, D-5-7, F-1-78, F-5-8, F-5-9, F-5-11, F-5-20, F-7A-59, F-8-2, F-8-39, F-8-41, F-8-42, F-8-43, F-8-50, F-8-70, F-8-97, F-8-98, F-11-35, F-13-15, F-13-32, F-13-99, F-13-

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table 2.B: Detailed Index of Environmental Issues Raised by Commenters

Major Comments/Issues	Addressed in Detail in Letters/Comments	Mentioned to Some Degree in Letters/Comments
		100
Drainage/Basins	B-3-36, B-3-37, B-3-38, B-6-6, F-5-16, F-8-36, G-103-2	B-6-5, B-6-8, F-1-19, F-1-20, F-5-14, F-5-22, F-8-21, F-8-62, F-11-40, F-11-41, G-4A-1, G-4A-5, G-4A-6, G-4A-7, G-88-3
County Drainage Master Plan Conflicts	G-4A-1	D-1-1 to D-1-5, G-4A-2, G-4A-3, G-4B-1, G-4B-2, G-4B-3
Infrastructure	F-8-26, F-8-28, F-8-84, F-11-29, F-11-37, G-27-4, G-50-2, G-51-62	F-1-8, F-3-26, F-8-27, F-8-30, F-1-48, F-8-106, F-11-37, G-2-6, G-37-2, G-42-4, G-56-7, G-57-1
Electrical Facilities	C-1-1, C-4-2, F-3-24,	C-4-3, C-4-4, F-1-85, F-1-86, F-3-19, F-3-20, F-3-21, F-3-23, F-3-24, F-8-79, F-15-6,
Water Facilities	C-2-2	C-2-3, C-2-4
Waste Water	F-8-101	F-8-102, F-8-104
Noise Impacts	E-2A-13, E-2A-14, E-2-15, F-8-72, F-8-73, F-13 appendices 2 through 4	
Project Ownership/Characteristics		B-3-33, D-2-1, F-1-4, F-1-5, F-1-7, F-8-24, F-13-2, G-2-1 to G-2-3, G-5-1, G-27-3, G-95-11, G-95-12, G-95-13, G-95-23, G-95-28
Project Revenues		G-17-5, G-19-3
Traffic	B-2-9, C-3-17, E-2A-5, E-2A-12, E-2B-21, E-2B-22, E-3-5, E-5-2, E-5-3, F-1-43, F-3-6, F-9A-9, F-9A-13, F-9C-2, F-11-22, F-13-9, F-13-12, F-13-92, F-13-94, F-13-97, F-13-98, G-57-5	B-2-2, B-2-3, B-2-4, B-2-5, B-2-6, B-2-7, B-2-8, B-2-10, B-2-11, B-2-12, B-2-14, B-5-12, E-2A-2, E-2A-4, E-2A-6, E-2A-7, E-2A-8, E-2A-9, E-2A-11, E-2B-1, E-2B-2, E-2B-3, E-2B-4, E-2B-5, E-2B-6, E-2B-7, E-2B-8, E-2B-9, E-2B-13, E-2B-15, E-2B-16, E-2B-17, E-2B-18, E-2B-20, F-3-8, F-3-9, F-3-10, F-8-63, F-8-64, F-8-68, F-8-69, F-9A-3, F-9A-11, F-9A-21, F-9B-4, F-9B-9, F-9C-4, F-11-11, F-11-23, F-11-24, F-13-10, F-13-26, F-13-90, F-13-96, G-17-1, G-17-2, G-51-19, G-51-28, G-51-47, G-51-60, G-51-65, G-57-7, G-90-7, G-90-14
Traffic Impacts on SR-60	F-10-5, F-11-10, F-13-11, G-55-8	E-1-2, E-2B-14, E-2B-20, E-2B-23, F-3-5, G-1-2, G-16-1, G-33-2, G-51-27
Construction and Traffic Noise	B-3-27, E-2A-14, E-2A-15, F-13-9, G-5-3	B-3-26, B-3-28, E-2A-13, F-11-18, F-11-19, F-13-77, F-13-78, F-13-79, F-13-80, F-13-88, G-33-3, G-51-25, G-57-10, G-57-17, G-83-2
Traffic on Gilman Springs Road	D-2-2, G-95-2	F-8-38, G-15-2
Truck Routes	C-3-15, E-3-3, F-1-50	E-3-4, E-3-13, F-3-4, F-3-6, G-2-5, G-33-4, G-34-4, F-13-89, G-10-4, G-57-8, G-57-9
Merwin Street Impacts	F-11-36, G-5-2 to G-5-9 G-9-1 to G-9-11, G-74-4	G-5-7, G-5-9, G-9-4, G-78-1
Alessandro Road Impacts	E-5-4	
Cactus Avenue		G-5-9

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table 2.B: Detailed Index of Environmental Issues Raised by Commenters

Major Comments/Issues	Addressed in Detail in Letters/Comments	Mentioned to Some Degree in Letters/Comments
Fueling Station	B-3-34, C-3-8	B-4-7, F-8-85, F-15-2, F-15-3

2.3 FORMAT OF RESPONSES TO COMMENTS

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

In the process of responding to the comments, there were minor revisions to the Environmental Impact Report (refer to FEIR Volume 2). None of the comments or responses constitutes "significant new information" (*CEQA Guidelines* Section 15073.5) that would require recirculation of the Environmental Impact Report.

A. LETTERS FROM FEDERAL AGENCIES/TRIBAL GROUPS

**Letter A-1: United States Army Corps of Engineers (Department of the Army),
(March 4, 2013)**

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

March 4, 2013

RECEIVED

MAR 11 2013

CITY OF MORENO VALLEY
Planning Division

Regulatory Division

Mark Gross
City of Moreno Valley
Public Works Department
14177 Fredrick Street
Moreno Valley, California 92553

Dear Mr. Gross:

It has come to our attention that the City of Moreno Valley has sent us a Notice of Availability for the Draft Environmental Impact Report for the proposed World Logistics Center (WLC) project located within the City of Moreno Valley, Riverside County, California. The proposed project consists of designation of 2,635 acres for logistics development; 20 acres for public utility uses; 1,159 acres for permanent open space and; 104 acres for utility extensions to serve the World Logistics Center. After reviewing the Draft Environmental Impact Report on the CD you provided us, impacts to jurisdictional waters of the U.S. may be proposed. Therefore, the proposed activity may require a Department of Army (DA) permit from the U.S. Army Corps of Engineers.

A DA permit is required for the discharge of dredged or fill material into, including any redeposit of dredged material other than incidental fallback within, "waters of the United States", including wetlands and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to the following activities:

- a. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;
- b. mechanized land clearing and grading which involve filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the U.S.;
- c. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the U.S.; and
- d. placing pilings when such placement has or would have the effect of a discharge of fill material.

- 2 -

An application for a Department of the Army permit is available on our website: <http://www.usace.army.mil/Portals/2/docs/civilworks/permitapplication.pdf>. If you have any questions, please contact me at 213-452-3420 or via e-mail at Jennifer.J.Lillard@usace.army.mil. Please refer to this letter and SPL-2013-00177-JJL in your reply.

"Building Strong and Taking Care of People"

Sincerely,

Jennifer Lillard
Project Manager
South Coast Branch
Regulatory Division

RESPONSES TO LETTER A-1

United States Army Corps of Engineers

Response to Comment A-1-1. The comment states that there is a need for a Department of Army permit from the U.S. Army Corps of Engineers (USACE) due to the potential impacts to jurisdictional waters of the United States.

DEIR Section 4.4.6.3, *Less Than Significant Impacts – Jurisdictional Waters/Wetlands*, examined potential project impacts to wetlands and drainages that may be under the jurisdiction of the USACE, based on a jurisdictional delineation (JD) that was prepared by Michael Brandman Associates (MBA) in March 2012 according to USACE permitting handbook requirements. The MBA jurisdictional delineation found a total of 14 primary drainage features but determined none of them had connectivity to Mystic Lake and were not subject to the jurisdiction of the USACE or Regional Board. In addition, MBA found no jurisdictional wetlands or isolated wetlands on the site.

In addition, DEIR Section 4.4.6.3, *Significant Impacts – Riparian Habitat or Other Sensitive Natural Communities*, states the project does have one catch basin and portions of Drainage Features 7 and 9 are considered riparian/riverine areas, as defined by the County's Multi-Species Habitat Conservation Plan (MSHCP) to which the USACE is a signatory.

MM BIO-3a of Appendix E-13, Volume 2 FEIR provides for programmatic mitigation of jurisdictional impacts and a new mitigation measure (MM 4.4.6.3A) has been added to the FEIR Volume 2, Section 4.4.6.3 to replace DEIR MM 4.4.6.3A.

~~**4.4.6.3A** Prior to the approval of any Plot Plans proposing development adjacent to any on-site drainage channels identified in the project programmatic Jurisdictional Delineation (MBA 2012), the developer shall retain a qualified biologist to prepare a site-specific jurisdictional delineation and submit it to the U.S. Army Corps of Engineers (USACE) and California Department of Fish and Wildlife (CDFW) for review and concurrence. If the development plan will not affect identified jurisdictional areas, no USACE permitting is required. However, permitting through the Regional Water Quality Control Board (RWQCB) and CDFW (i.e., Streambed Alteration Agreement) may still be required for this development.~~

~~The applicant shall consult with USACE, CDFW and RWQCB to establish the need for permits based on the results of the 2012 jurisdictional delineation and final design plans for each of the proposed the facilities. Consultation with the three agencies shall take place and appropriate permits obtained. Compensation for losses associated with the altering of drainages on site shall be in agreement with the permit conditions.~~

~~Any development adjacent to Drainage 9 shall be designed with the channel in its relatively natural condition, and shall provide a minimum 25-foot open space setback from the top of each bank. Any landscaping of this setback area shall use only native species to help protect resources residing within or traveling through these drainages between the SJWA and the Badlands, and to protect any riparian vegetation along this drainage. This measure shall be implemented to the satisfaction of the City Planning Division.~~

4.4.6.3A Prior to the issuance of grading permits the applicant shall secure a jurisdictional determination from the United States Army Corps of Engineers (USACE) and confirm with the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW) if drainage features mapped on the property to be developed are subject to jurisdictional authority. If the features are subject to regulatory protection, the applicant will secure permit approvals with the appropriate

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

agencies prior to initiation of construction. Compensatory riparian habitat mitigation will be provided at a minimum ratio of 1:1 (replacement riparian habitat to impacted riparian habitat) to ensure no net loss of riparian habitat or aquatic resources. It should be noted that this is a minimum recommended ratio but the actual permitting ratio may be higher. 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. A Compensatory Mitigation Plan will be prepared for all unavoidable impacts and will be consistent with the United States Army Corps of Engineers (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.

The applicant shall consult with United States Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board to establish the need for permits based on the results of a recent jurisdictional delineation and final design plans for each of the proposed the facilities. Consultation with the three agencies shall take place and appropriate permits obtained for project-level development. Compensation for losses associated with the altering of drainages on site shall be in agreement with the permit conditions and in coordination with compensation outlined below.

Mitigation will consist of onsite creation, offsite creation, or purchase of mitigation credits from an approved mitigation bank. As outlined in the WLC programmatic DBESP report, onsite riparian habitat will be created at a minimum 1:1 ratio due to the poor quality of onsite habitat. New habitat will be created within the onsite detention/infiltration basins to the extent allowed by the resource agencies to reduce storm flows, improve water quality, and reduce sediment transport. Habitat creation will include the installation of mule fat scrub or similar riparian scrub habitat to promote higher quality riparian habitat, but still maintain the basins for their primary role as detention facilities. The use of these areas as conservation areas would require consent from CDFW and the City of Moreno Valley (MM BIO-2b and MM DBESP 1 through 3).

MM BIO-2a of Appendix E-7, Volume 2 FEIR provides for mitigation for Riparian/Riverine impacts and it replaces MM 4.4.6.3B in the FEIR Volume 2, Section 4.4.6.3:

4.4.6.3B ~~As an alternative to Mitigation Measure 4.3.6.3A, the project developer shall retain a qualified biologist to prepare a Determination of Biologically Equivalent or Superior Project (DBESP) relative to development along Drainage 9 in order to maximize protection or preservation of the drainage, otherwise the DBESP must demonstrate why protection or preservation is not possible. This measure shall be implemented to the satisfaction of the City Planning Division in consultation with the County Resource Conservation Agency (RCA).~~

~~The DBESP shall be prepared to document measures to reduce impacts to riparian/habitats in accordance with the MSHCP as well as CDFW and USFWS guidelines. The DBESP shall include specific measures to reduce impacts to riparian areas and provide mitigation in the form of on-site preservation of riparian areas and/a combination of compensation through purchase and placement of lands with riparian/habitat into permanent conservation through a conservation easement and/or restoration or enhancement efforts at off-site or on-site locations.~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

4.4.6.3B As required by the Resource Conservation Agency (RCA), a program-level Determination of a Biological Equivalent or Superior Preservation (DBESP) for impacts to Riverine/Riparian habitat has been prepared and shall be approved by the Resource Conservation Agency prior to project approval. The Determination of a Biological Equivalent or Superior Preservation includes a general discussion of mitigation options for impacts to riverine/riparian areas as well as general location and size of the mitigation area and includes a monitoring program.

If impacts to riparian habitat within the World Logistics Center Specific Plan (WLCSP) cannot be avoided at the time of specific development, then a separate project-level Determination of Biologically Equivalent or Superior Preservation (DBESP) shall be prepared to identify project-specific impacts to riparian habitat and incorporate mitigation options identified in Mitigation Measure 4.4.6.3A.

A project-level Determination of a Biological Equivalent or Superior Preservation for each specific development shall be prepared to document measures to reduce impacts to riparian/riverine habitats in accordance with the Western Riverside County Multiple species Habitat Conservation Plan (MSHCP). The project-level Determination of a Biological Equivalent or Superior Preservation shall include specific measures to reduce impacts to riparian areas and provide mitigation in the form of onsite preservation of riparian areas and/or a combination of compensation through purchase and placement of lands with riparian/riverine habitat into permanent conservation through a conservation easement and/or restoration or enhancement efforts at offsite or onsite locations. Therefore, mitigation required for compensation for impacts to riparian/ riverine areas will require a minimum of 1:1 mitigation ratio of riparian/riverine mitigation land.

As outlined in the WLC programmatic DBESP, erosion control improvements will be installed within Drainage 9 to reduce sediment transport, and additional riparian habitat will be enhanced within this drainage following the installation of the erosion control improvements (MM DBESP 4 and 5).

The DEIR concluded that, with implementation of the mitigation measures in the DEIR. Mitigation Measures 4.4.6.3A and 4.4.6.3B above have been revised and potential impacts to riparian habitat or other sensitive natural communities, including on-site drainages, would be reduced to less than significant levels.

If necessary, future development under the WLCSP that affect Drainages 7 or 9 will have to obtain discretionary approvals from the County through the MSHCP or the USACE if federal jurisdiction is established based on drainage and development conditions at that time.

Letter A-2: Morongo Band of Mission Indians (February 12, 2013)

MORONGO
BAND OF
MISSION
INDIANS



A SOVEREIGN NATION

February 12, 2013

Mark Gross, AICP, Senior Planner
City of Moreno Valley
Community and Economic Development Department
14177 Frederick Street
Moreno Valley, CA 92553

RECEIVED

FEB 14 2013

CITY OF MORENO VALLEY
Planning Division

**SUBJECT: Notice of Availability
World Logistics Center Project
Draft Environmental Impact Report
SCH# 201202045**

Dear Mr. Gross:

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

The project is outside of the Tribe's current reservation boundaries but within an area that may be considered a traditional use area or one in which the Tribe has cultural ties (e.g. Cahuilla/Serrano territory). It appears that the DEIR has found that the proposed project will not have certain significant unavoidable adverse impacts to Cultural, Historic, or Archaeological Resources. Based upon this finding, the Morongo Band of Mission Indians has no comments at this time. The Tribe, though, reserves the right to comment upon any future development proposals or land use commitments associated with the World Logistic Center Project.

1

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

Very truly yours,

MORONGO BAND OF MISSION INDIANS

Franklin A. Dancy
Franklin A. Dancy,
Director of Planning

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

RESPONSES TO LETTER A-2

Morongo Band of Mission Indians

Response to Comment A-2-1. The comment states that the Tribe does not have any comments but they reaffirmed their right to comment upon any future development proposals. The City understands the Tribe may comment on development under the World Logistics Center project in the future. Such development would be subject to additional discretionary review and California Environmental Quality Act compliance at that time.

Letter A-3: Pechanga Temecula Band of Luiseño Mission Indians (April 8, 2013)



PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
 Telephone (951) 308-9295 • Fax (951) 506-9491

April 8, 2013

Chairperson:
 Germaine Arenas

Vice Chairperson:
 Mary Bear Magee

Committee Members:
 Evie Gerber
 Darlene Miranda
 Bridgett Barcello Maxwell
 Aurelia Marruffo
 Richard B. Scearce, III

Director:
 Gary DuBois

Coordinator:
 Paul Macarro

Cultural Analyst:
 Anna Hoover

VIA E-MAIL and USPS

Mr. Mark Gross, AICP
 Senior Planner
 City of Moreno Valley
 Community and Economic Development Dept
 14177 Frederick Street
 Moreno Valley, CA 92552

Re: Pechanga Tribe Comments on the Draft Environmental Impact Report for the World Logistics Center Project (SCH#2012021045), General Plan Amendment PA12-0010, Development Agreement PA12-0011, Change of Zone PA12-0012, Specific Plan PA12-0013, Annexation PA12-0014, Tentative Parcel Map PA12-0015

Dear Mr. Gross:

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

The Tribe submits these comments concerning the Project's proposed impacts to cultural resources in conjunction with the environmental review of the Project and to assist the City in developing appropriate avoidance and preservation standards for the significant Luiseño Village Complex that the Project will be impacting. The Tribe is very concerned that the proposed mitigation measures do not adequately provide for protection of the cultural resources located within the Project boundaries and those that could be impacted during development and off-site improvements. The Draft Environmental Impact Report (DEIR) states that there will be no impacts to cultural resources/archaeological sites; however, it appears that a portion of P-33-15046/CA-RIV-8007 may be impacted by development and there is very little discussion of CA-RIV-2993 that could be directly impacted by the construction of a water tank.

The Tribe does not agree that the cultural sites located within the Project area are not significant per CEQA and have provided information to the City and the Project archaeologist in

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Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 2

our NOP/SB18 comments and in our SB18 consultation describing this significant Village Complex that extends much farther southward along Mt. Russell. The City, Developer and archaeologist seem to have disregarded the Tribe's input about this traditional cultural landscape and have not taken the information into account when analyzing the sites and the impacts to them. Additionally, the DEIR states that a public trail will pass through sensitive cultural locations. There must be mitigation provided in the DEIR to guide and protect any resources from impacts, including a long-term management plan to be developed between the Developer/Applicant and the Pechanga Tribe. Finally, the Tribe is concerned that the archaeological study has been included in the DEIR Technical Appendices. Archaeological studies are considered exempt from the Public Record and provided only on an as needed basis. Sensitive cultural information can be found in the document and the Tribe believes it is inappropriate to include it for public review. More information on this concern is provided below.

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

It has been the intent of the Federal Government¹ and the State of California² that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. In this case, it is undisputed that the project lies within the Pechanga Tribe's traditional territory. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is imperative that the City of Moreno Valley consult with the Tribe in order to guarantee an adequate knowledge base for an appropriate evaluation of the Project effects, as well as generating adequate mitigation measures.

As the City is processing a General Plan Amendment and a Specific Plan for this Project, the City is required to consult with the Pechanga Tribe pursuant to a State law entitled Traditional Tribal Cultural Places (also known as SB 18; Cal. Govt. C. § 65352.3). The purpose of consultation is to identify any Native American sacred places and any geographical areas which could potentially yield sacred places, identify proper means of treatment and management of such places, and to ensure the protection and preservation of such places through agreed upon mitigation (Cal. Govt. C. 65352.3; SB18, Chapter 905, Section 1(4)(b)(3)). Consultation must be government-to-government, meaning directly between the Tribe and the Lead Agency, seeking agreement where feasible (Cal. Govt. C. § 65352.4; SB18, Chapter 905, Section 1(4)(b)(3)).

¹ See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.

² See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352.3 and 65352.4

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
 Post Office Box 2183 • Temecula, CA 92592*

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Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 3

Lastly, any information conveyed to the Lead Agency concerning Native American sacred places shall be confidential in terms of the specific identity, location, character and use of those places and associated features and objects. This information is not subject to public disclosure pursuant the California Public Records Act (Cal. Govt. C. 6254(r)).

The Tribe met with the City and subsequently the Applicant on May 30, 2012 with the City pursuant to SB18. At that time, we requested to be sent copies of the Specific Plan, Parcel Map, development plans, archaeological study and geotechnical reports and received all documents by October 8, 2012. We were further provided the opportunity to visit the cultural sites on the Property August 22, 2012. The City has consistently maintained contact with the Tribe throughout the process. Therefore, we are concerned that the City did not include our March 16, 2012 comment letter submitted for the Notice of Preparation (NOP) and SB18 in the DEIR. We hope this was just an oversight and request that the Final EIR be updated to include our letter and requested comments.

CONFIDENTIALITY OF ARCHAEOLOGICAL STUDIES AND CULTURAL INFORMATION

Protection of archaeological and cultural sites and resources is of critical importance because they are non-renewable resources and easily damaged. Multitudes of amateur archaeologists and explorers roam undeveloped areas in search of "buried treasures." Anything that provides any information regarding the probable location of a site or the contents of a site is thus more fodder for those who would destroy or pilfer our Tribe's and the State's cultural heritage. When SB18, the law designed to protect California Native American cultural heritage, was enacted it clearly indicated that "each city and county [shall] protect the confidentiality of information concerning" cultural resources. (SB 18 §1(b)(3); Govt. Code §§ 65040.2(g)(3), 65352.3, 65352.4, and 65352.5.)

The State of California and its municipalities recognize the importance of protecting archaeological resources through confidentiality of information regarding the resource in other laws and regulations as well. According to the California Office of Historic Preservation, "Archaeological and Traditional Cultural Property (TCP) locations are generally considered confidential and public access to such information is restricted by laws, including: Section 304 of the National Historic Preservation Act, Section 9(e) of the Archaeological Resources Protection Act, Executive Order 13007 and Sections 6254(r) and 6254.10 of the California State Government Code." Other State agencies and local governments provide assurances within their practices, rules and ordinances for the protection of archaeological, historical and cultural sites and resources through confidentiality of information. (See, e.g. California's Forest Practice Rules for the Protection of Archaeological, Historical and Cultural Sites, Title 14 CCR; City of Morro Bay Coastal Land Use Plan; County of Riverside Planning Department Cultural Resources Investigations Standard Scopes of Work; and County of San Diego Report Formant and Content Requirements, Cultural Resources.)

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
 Post Office Box 2183 • Temecula, CA 92592*

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Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 4

More importantly, however, the California Historical Resources Information System (“CHRIS”) allows certain individuals, organizations and governmental entities access to archaeological records, but only after signing a confidentiality agreement. By signing the agreement, an individual, organization or governmental entity agrees to keep archaeological site content and location information confidential by not disclosing archaeological information to unauthorized individuals or including it in publicly distributed documents. A failure to comply with the agreement could mean denial of access to CHRIS information.

As such, multiple jurisdictions make a practice of limiting archaeological information provided in public documents, acknowledging that publication of, or even general public access to, such things as site maps, site records, archaeological reports, and cultural surveys are both prohibited by law and potentially harmful to the resources. Thus, for the protection of the cultural resources located within the Project area, we request that the City remove immediately the archaeological study that was mistakenly published with the other portions of the DEIR.

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area that comprises the Project property. The Tribe has been the named the consulting tribe on projects in the vicinity of the proposed Project, and, contrary to statements in the archaeological study that the Tribe did not provide information, has specific knowledge of cultural resources and sacred places within/near the proposed Project that we shared with the City, Applicant and archaeologist. The Tribe asserts that this culturally sensitive area is affiliated specifically with the Pechanga Band of Luiseño Indians because of the Tribe’s specific cultural ties to this area. Pechanga considers any resources located on this Project property to be Pechanga cultural resources and we look forward to working directly with the City to continue preserving and avoiding these sensitive tribal cultural resources. Although the Tribe provided the following in our NOP/SB18 comments, we have included it again for the DEIR.

D. L. True, C. W. Meighan, and Harvey Crew³ stated that the California archaeologist is blessed “with the fact that the nineteenth-century Indians of the state were direct descendents of many of the Indians recovered archaeologically, living lives not unlike those of their ancestors.” Similarly, the Tribe knows that their ancestors lived in this land and that the Luiseño peoples still live in their traditional lands. The Pechanga Tribe’s knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology, history and ethno-history; and through recorded ethnographic and linguistic accounts. Many anthropologists and historians who have presented boundaries of the Luiseño traditional territory have included the Moreno Valley area in their descriptions (Drucker 1937; Heizer and Whipple 1957; Kroeber 1925; Smith and Freers 1994), and such territory

³ D. L. True, C. W. Meighan, and Harvey Crew. Archaeological Investigations at Molpa, San Diego County, California, *University of California Press* 1974 Vol. 11, 1-176

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Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 5

descriptions correspond almost identically with what was communicated to the Pechanga people by our elders. While historic accounts and anthropological and linguistic theories are important in determining traditional Luiseño territory, the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions.

Luiseño history originates with the creation of all things at 'éxva Teméeku, in the present day City of Temecula, and dispersing out to all corners of creation (what is today known as Luiseño territory). It was at Temecula that the Luiseño deity *Wuyóot* lived and taught the people, and here that he became sick, finally expiring at Lake Elsinore. Many of our songs relate the tale of the people taking the dying *Wuyóot* to the many hot springs at Elsinore, where he died (DuBois 1908). He was cremated at 'éxva Teméeku. A traditional song recounts the travels of eagle, as he searches for a place where there was no death. His travels begin at Temecula, flying north to San Bernardino and then to the east, south, and west through Julian, Cuyamaca, and Palomar, and returning to Temecula.⁴ It is the Luiseño creation account that connects Elsinore to Temecula, and thus to the Temecula people who were evicted and moved to the Pechanga Reservation, and now known as the Pechanga Band of Luiseño Mission Indians (the Pechanga Tribe). From Elsinore, the people spread out, establishing villages and marking their territories. The first people also became the mountains, plants, animals and heavenly bodies.

Many traditions and stories are passed from generation to generation by songs. One of the Luiseño songs recounts the travels of the people to Elsinore after a great flood (DuBois 1908). From here, they again spread out to the north, south, east and west. Three songs, called *Montivol*, are songs of the places and landmarks that were destinations of the Luiseño ancestors, several of which are located near the Project area. They describe the exact route of the Temecula (Pechanga) people and the landmarks made by each to claim title to places in their migrations (DuBois 1908:110). The Native American Heritage Commission (NAHC) Most Likely Descendent (MLD) files substantiate this habitation and migration record from oral tradition. These examples illustrate a direct correlation between the oral tradition and the physical place; proving the importance of songs and stories as a valid source of information outside of the published anthropological data.

Tóota yixélval (rock art) is also an important element in the determination of Luiseño territorial boundaries. *Tóota yixélval* can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Riverside and Northern San Diego Counties are home to red-pigmented pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as defined by Ken Hedges of the Museum of Man, as the San Luis Rey style. This is the predominant style of rock art within the Project area and incorporates elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, anthropomorphic (human-like) and zoomorphic (animal-like) designs. Tribal historians and photographs inform us that some design elements are reminiscent of Luiseño ground paintings. A few of these design elements,

⁴ Ibid.

Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
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Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 6

particularly the flower motifs, the net/chain and zig-zags, were sometimes depicted in Luiseño basket designs and can be observed in remaining baskets and textiles today.

Further evidencing the connection between the San Luis Rey rock art style and Luiseno people are these descriptions of how the diamond chain pattern, which is uniquely San Luis style rock art, was incorporated into the Luiseño girls' ceremony. In 1892, Bureau of Ethnology anthropologist H.W. Henshaw compiled information on what was called the "Girls Ceremony." He wrote: 'that during the fourth new moon of the young girl's puberty rite, diamond shaped marks were painted vertically on the cheeks of the girls faces' (Smith & Freers, pg. 19). For Pechanga, the connection to the rock art images held a known meaning. J.P. Harrington would later cross-reference this same "face painting" information in his 1933 work entitled *The Luiseno Girls Ceremony*.

Additionally, according to historian Constance DuBois:

When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albañas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula, of the spots where they stopped and about the different places they claimed (1908:158).

An additional type of *tóota yixélval*, identified by archaeologists also as rock art or petroglyphs, are cupules. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground indentations, or cupules. Many of these cupule boulders have been identified within a few hundred feet of the Project. In fact, the *tóota yixélval* identified close-by are but a small part of the overall Luiseño Village Complex that includes Mt. Russell and other sites to the northwest, south and southeast. The City has identified the area to the north as the Wolfskill Ranch North Complex. The archaeological study also acknowledges the importance of this area and states: "We believed that the nine prehistoric sites should be considered part of the unofficial Wolfskill Ranch North Complex. This Complex is discussed in the City General Plan but is not an officially recognized prehistoric district (p.53)." The Tribe agrees that this area should be included in the City's inventory of significant places and designated as permanent Open Space within the General Plan.

Thus, our songs and stories, our indigenous place names, as well as academic works, demonstrate that the Luiseño people who occupied what we know today as Moreno Valley and the Lakeview area are ancestors of the present-day Luiseño/Pechanga people, and as such, Pechanga is culturally affiliated to this geographic area. The Tribe welcomes the opportunity to

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Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 7

meet with the City to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction, if so desired.

10

PROJECT IMPACTS TO CULTURAL RESOURCES

As we have continually informed the City, the proposed Project and its Off-Site Impacts are located in a highly sensitive region of Luiseño territory and the Tribe believes that the possibility for recovering subsurface resources during ground-disturbing activities is high. The Tribe has over thirty-five (35) years of experience in working with various types of construction projects throughout its territory. The combination of this knowledge and experience, along with the knowledge of the culturally-sensitive areas and oral tradition, is what the Tribe relies on to make fairly accurate predictions regarding the likelihood of subsurface resources in a particular location. The Pechanga Band is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources. The Tribe's primary concerns stem from the Project's proposed impacts on Native American cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work.

11

The Tribe has multiple concerns with the DEIR as posed. As indicated above, the Tribe submitted a NOP/SB18 comment letter in March 2012 that was not included in the DEIR or its appendices. The Tribe requests that the Final EIR be updated to include our comment letter and any appropriate Response to Comments.

12

The Tribe has reviewed the Archaeological studies and Appendix F of the DEIR. We are concerned that the Project archaeologist has not included any of the Tribe's information in the reports which would have assisted with site analysis. The Tribe applauds the archaeological consultant for combining a cultural area into one site. They describe this as, "With the addition of new feature elements discovered during the survey and GPS rendering of the original site locations, it became clear that the three original sites, which were all within an 80-meter radius of each other, should be combined into a single site with the newly discovered site elements added." However, they then proceed to say that the 29 milling features are not significant because there were no artifacts found in the area. By ignoring that this site is part of a larger Complex and ignoring the association between the physical remains and the bare spots between them, they are disregarding the importance of this area and overlooking important information that can contribute to the overall body of archaeological and tribal knowledge. The high number of utilized resources in this area and the identification of resources on the adjacent Highlands Fairview Project prove that Luiseño ancestors were extremely active within the region and that this area was a large habitat area, or village complex, for Indian people. Negatively impacting

13

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
 Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 8

and/or destroying the cultural sites within this area are a great irreparable loss to tribal culture and scientific knowledge.

A major problem that the Tribe has been observing over the last few decades is the shift in archaeological practices which look at cultural resources on an individual scale, on a project-by-project basis. This piecemeal type of assessment belies the fact that many of these sites are components of much larger complexes, and thus results in evaluations of the sites as not being significant. Further, this kind of piecemeal approach seems to be contrary to the tenets of archaeology which supposedly strives for a holistic approach. Because of this approach, very little regional or settlement pattern research is conducted within the Riverside County area to connect the dots. This has resulted in the systematic destruction of villages and habitation areas.

The Tribe believes that individual recordation of sites is an attempt to piecemeal obvious complexes/large cultural areas into smaller portions in order to make a “not significant” determination. While we understand that recordation of sites in this manner may assist with the management of such sites and features, it undermines the ability to offer a complete and thorough analysis of the Project impacts to cultural resources. The Tribe believes that division of sites and features into separate sites necessarily takes away from the significance of the sites themselves because they are analyzed by only looking at the particulars of that site/feature while missing the relationship to the other sites/features in the vicinity as well as the topography, geography, plant resources and waterways. A particular feature may be part of a significant village or habitation area, but one would never know that if only the feature was analyzed by itself as is the case on this Project. In addition, the Tribe believes this regional analysis would necessarily suggest that there is a high potential for subsurface resources to be found during grading or ground-disturbing activities for this Project.

Almost 25 years ago, Glassow (1985)⁵ addressed the issue of how site complexes and regional complexes (i.e. villages and habitation areas) were being divided into smaller sites for analysis. This procedure misses the full interpretation of the sites, resulting in a “write-off” or dismissal of sites based only on a partial analysis. Small sites are described as those sites which “typically have surface areas on the order of 1,000 m² or less, deposits of less than 50 cm depth, only two or three major classes of cultural remains and very few, most often fragmentary finished artifacts” (59). He states, “...(S)ites on the smaller end of the size range are being systematically neglected by many archaeologists in favor of sites on the larger end of the size range. Not only are small sites seldom investigated, but they are frequently assessed as having no appreciable significance to research and are therefore being destroyed...”(ibid: 58). He further provides an example of an archaeological document that determined a site to be not eligible for the National Register. The assessment stated that although the small site, which contained a lithic scatter and two bifacial tools, contained high integrity, the potential to answer research questions was limited and thus the site was not eligible. This limited data was based

⁵ Glassow, Michael A. The Significance of Small Sites to California Archaeology. Journal of California and Great Basin Anthropology Vol. 7, No.1. PP 58-66 (1985).

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
 Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 9

solely upon a survey and one posthole test unit. Archaeologists make the mistake of treating each site as an individual “temporary camp site or isolated feature” as opposed to looking at them as elements or components of larger village complexes.

With regard to this Project, the Tribe asserts that the same methodology and resulting dismissal of sites is occurring. The destruction of milling resources is a common practice in western Riverside County, justified because they are so ‘ubiquitous.’ Scientific potential is measured by the amount of artifacts found around the milling feature, not the feature itself. The Tribe views these important cultural features as part of the larger village complex that can aide in the analysis of that complex as well as the fact that they are the remains of the ancestors.⁶ These types of complexes are rare and endangered by continuing development. Within the last seven (7) years, the Tribe has seen at least five (5) Luiseño village complexes negatively impacted and/or destroyed in western Riverside County. The City contains multiple significant village complexes, with other habitation areas spread throughout. The Tribe asserts that a traditional Luiseño village complex is a special element to not only the Tribe but to the City as well as the State. The citizens of Moreno Valley should be proud of such a special resource and should strive to preserve it in perpetuity.

Kroeber⁷ and Heizer⁸ used ethnographic data to describe the Luiseño Indians’ settlement pattern as consisting of permanent villages of 75 to 200 people located in proximity to reliable sources of water and within range of a variety of floral and faunal food resources, which were exploited from temporary camp locations surrounding the main village. It has also been suggested that, frequently, a number of communities would combine to celebrate important festivals, harvest cycles, and other ceremonial events, occasionally inviting distant, linguistically unrelated groups. Expanding on Kroeber and Heizer’s general description, True and Waugh⁹ described Luiseño settlement patterns as;

The bipolar settlement pattern of the San Luis Rey was represented by relatively permanent and stable villages (both winter and summer), inhabited by several groups exploiting well-established territories and resources that were defended against trespass (we follow Flannery [1976:164] in using “village as a generic

⁶ The Tribe would like to challenge archaeologists to begin researching why artifacts aren’t commonly found around milling features. It is time to look at why resources may not be present instead of anticipating or assuming that resources should be present. We should ask ourselves why would a person stand next to a food processing place and make a utility tool where the waste materials could get into the food or cut feet. Do we, today, stand next to a stove that contains open pots with cooking food and sharpen our knives so that metal debris could come into contact with the food? Thinking about these questions while assessing the significance of sites as they relate to the landscape will provide additional research questions and answers. These resources can provide valuable information for future archaeologists in terms of settlement patterns, patterns of domestic life as well as enhancing our understanding of how prehistoric tribal peoples lived with one another and upon the landscape.

⁷ Alfred. L. Kroeber 1925. *Handbook of the Indians of California*. Bulletin 78, Bureau of American Ethnology, Government Printing Office, Washington D.C.

⁸ Robert F. Heizer and M.A. Whipple 1951. *The California Indians*. University of California Press, Berkeley.

⁹ True and Waugh 1982, p. 35

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 Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 10

term for any small permanent community”), they saw this as a result of a reasonably long process of adaptation during which several strategic changes take place in settlement location patterns and in procedures for collecting resources. These strategic changes included a “trend toward the congregation of people along the major tributaries, with each tributary and its immediate environs occupied and exploited by a family-based kin group of some kind.

Of great importance to the Luiseño people is how this would look on the landscape. For example, during his visit to Luiseño settlements in the La Jolla region in 1901, Merriam noted that “in many cases the Indians have great masses of tuna, 10-20 feet high, about or near their adobe houses” which “are not near together but scattered about, usually 1/8 or 1/4 of a mile apart and on a cleared place surrounded by chaparral.”¹⁰ Luiseño settlement patterns have also been described ethnographically by Sparkman¹¹ and Strong¹² as sedentary and territorial, with the extended families residing in villages with individual living areas separated anywhere from ¼ of a mile to ½ a mile apart. The proposal that a village foot print covers an expansive area, with each family having its own milling feature is supported by Bean when he argues that “homes were located some distance apart to provide privacy for families, if terrain permitted.”¹³ Bean and Smith also suggest that “a village might occupy three to five square miles.”¹⁴ While Oxendine’s¹⁵ dissertation is often cited when discussing late prehistoric village attributes and locations, little has been done to expand on her definition of a village foot print. The idea that villages could cover an expansive area is supported by True et al. Here, True et al.¹⁶ suggest that the larger outcrops containing multiple milling features are community milling areas and that each group or family within the community had its own specific milling boulder. In other words “each group then had its milling area and each family woman had her mortar or group of milling elements.” To support this claim, True et al. gives the following example: The milling stones located at Silver Crest (Palomar Mountain State Park) belonging to the adjacent Pauma Village were identified by Max Peters as the property of a specific family. Each family had its own “place” and each mortar hole belonged to a particular “lady.” “If the pattern at Molpa in protohistoric times followed that of the adjacent Pauma Village, it is likely that these “holes” were passed down from mother to daughter and were used until they became too deep to be

¹⁰ Merriam, C. Hart. *Studies of California Indians*. The Staff of the Department of Anthropology of the University of California, eds. Berkeley: University of California Press. 1955

¹¹ Sparkman, Philip Stedman, *The Culture of the Luiseño Indians*. University of California Publications in American Archaeology and Ethnology 1908, 8(4).

¹² Strong, William D. *Aboriginal Society in Southern California*. University of California Publications in American Archaeology and Ethnology 26, 1929

¹³ Bean, Lowell J. *Mukat’s People: The Cahuilla Indians of Southern California*. University of California Press, Berkeley, 1972, p. 71

¹⁴ Bean, Lowell J. and Charles R. Smith. Serrano: In *Handbook of North American Indians, Volume, 8, California*, edited by Robert Heizer, Smithsonian Institution, Washington D.C., p. 43.

¹⁵ Oxendine, Joan. *The Luiseño Village During the Late Prehistoric Era*. Ph.D. Dissertation, University of California, Riverside, 1983

¹⁶ True et al 1974 p. 43

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
 Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 11

functional.”¹⁷ Thus there is support for the Tribe’s assertion that each milling feature signifies an integral portion of the much larger village present at the site.

Glassow argues, “(A) small site and its contents gain importance as a document of a set of activities that occurred at a specific place within a particular setting. While the same set of activities might have occurred at a number of other places, it is often important to know the number of such places and variations in their settings.”¹⁸ Even smaller projects, like the currently proposed Project, is the appropriate time for Settlement Pattern research and comparisons of artifact collections to occur and to start piecing the bigger picture together. Trade and travel patterns can be assessed; site formation, ceremonial comparisons, and site type comparisons can continue to be made. Habitation/village sites are often identified, but the necessary scientific and archival research needed to produce a thorough report is not taken. The practice of recording isolated features and artifacts which results in a “negative finding” is slowly destroying larger cultural sites that could have been identified as a significant complex. This lack of context results in destruction of the individual sites, and not only of our cultural heritage, but that of the greater community and the overall history of California.

In addition, by piecemealing projects, archeologists are not necessarily saving the correct portions of the complexes and villages, but only the portions they deem to have scientific value. By archaeologists using this methodology, we as a society are likely missing the most essential pieces of the puzzle and, most importantly, ignoring the cultural value. True and Waugh¹⁹ pointed out that the Luiseño Mission Indians were resourceful with almost an innate ability to adapt to changing circumstances. They argue that either pre-contact or post-contact San Luis Rey Luiseño people had demonstrated a high degree of adaptable behavior as they consolidated to form more complex systems, placing their villages in locations that are situated near the most reliable regional water supplies. True and Waugh proposed that this could only occur within a social matrix capable of sustaining the mosaic of productive, ritual, and social relationships inherent to “village” organizations. In other words, the Luiseño people had developed a very complex sense of community and permanent Settlement Pattern: it was embedded in their Social History. On this Project, the combination of physical archaeological remains, knowledge of resources being identified from adjacent properties and important tribal named places, traditional landscape analysis and oral traditions, a much broader, complex patter can be identified for this area.

At this time, the Tribe thanks the Project Applicant/Developer for placing the majority of the cultural sites within Open Space for preservation. The Tribe is concerned that potentially a portion of P-33-15046 may be impacted by development. We request additional clarification from the City and Developer/Applicant regarding this site. Additionally, the site identified as P-

¹⁷ Ibid 1974 p. 43

¹⁸ Glassow 1985: 60

¹⁹ True, D. L. and George Waugh. Proposed Settlement Shifts during San Luis Rey Times: Northern San Diego County, California. *Journal of California and Great Basin Anthropology* 1982, 4(2):34-54.

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
 Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 12

33-2993, located in the southwest portion appears that it could be impacted by a proposed water tank. This site is briefly addressed in the archaeological study as not having been tested or evaluated for impacts in any way. As it seems that water tank location has not been finalized, the Tribe urges the Developer/Applicant and the City to design the tank to avoid this site and any potential impacts to the possible midden in the area.

21

Additionally, the DEIR states that a public trail will pass through sensitive cultural locations. There must be mitigation provided in the DEIR to guide and protect any resources from impacts. The Tribe would like to assist the City and Developer/Applicant with planning the trail through this area and with landscaping options that will discourage these sites from becoming an attractive nuisance. This will include developing a long-term management plan, to be developed between the Developer/Applicant and the Pechanga Tribe, to ensure that the protection planned during this DEIR process is maintained and that the sites do not become a burden to preserve.

22

REQUESTED TRIBAL INVOLVEMENT AND RECOMMENDED PROJECT MITIGATION MEASURES

The Tribe believes that the proposed mitigation measures as posed are not sufficient, given the sensitivity of the area, to protect and ensure that development activities will not impact buried cultural resources. Neither are they sufficient to provide for long-term protection and care once development activities have been completed. The lack of specificity of the mitigation measures and the lack of a requirement for tribal monitors does not bring the Project into compliance with CEQA nor reduce the impacts to a level below significant. While the Tribe understands that the Property has been subjected to previous disturbances such as the existing residences and agricultural usage, as the Project site lies within such a culturally-sensitive area, the Tribe believes that the possibility exists for the recovery of subsurface resources during earthmoving activities. Furthermore, as the DEIR acknowledges, cultural resources were identified during monitoring on the adjacent Highland Fairview property. These resources, some of which were deeply buried, as well as the known resources in this area that are also deep, are good indicators that additional resources could be found within the Project at a greater distance than the recommended 3,750 feet from the southwest corner. This distance is not realistic and could hinder the archaeologist and the Tribe from identifying significant resources. Therefore, the Tribe submits the revised mitigation measures for inclusion into the final EIR. Please contact the Tribe to discuss these mitigation measures and to review any proposed language changes prior to finalizing the Final EIR (strikeouts are deletions; underlines are additions.)

23

4.5.6.1A Prior to the approval of any grading or other discretionary permit for any of the "Light Logistics" parcels, the parcels shall be evaluated for significance by a qualified archaeologist since they were not available for survey during preparation of the EIR. A Phase I Cultural Resources Assessment shall be conducted by the project archaeologist

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
 Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 13

and an appropriate tribal²⁰ representative on each of the "Light Logistics" parcels prior to development to determine if it contains significant archaeological or historical resources. A Phase II evaluation shall be completed for any of these sites in order to determine if they that are determined to contain significant archaeological or historical resources based on the results of the Phase I assessment. Cultural resources include but are not limited to stone artifacts, bone, wood, shell, or features, including hearths, structural remains, or historic dumpsites. If a particular resource is determined to be significant, it All resources determined to be prehistoric or historic shall be adequately documented using DPR523 forms for archival research/storage in the Eastern Information Center (EIC). If the particular resource is determined to be not significant, no further documentation is required. Any artifacts If historic resources are determined to be significant, they shall be considered for relocation or archival documentation, as appropriate, depending on whether the building or buildings are determined to be significant under CEQA. If any building is determined to be significant, a Phase III recovery study shall be conducted to recover remaining significant cultural artifacts. If necessary, a feasibility study shall be conducted to determine if a significant structure can be relocated effectively to off-site parcels. The study shall also identify if there are appropriate parcels available within or close to the Moreno area of the City. If the structure cannot be feasibly relocated, or there is not an appropriate parcel to relocate the structure to, the structure shall be demolished after complete archival recordation in a manner determined by the project archaeologist. If prehistoric archaeological/cultural resources are discovered during the Phase I survey and it is determined that they cannot be avoided through site design, they shall be subject to a Phase II testing program. The project archaeologist, in consultation with the appropriate Tribe, shall determine the significance of the resource(s) and determine the appropriate mitigation for the resources.

4.5.6.1B Prior to the approval of any grading or ground-disturbing permit by the City for construction of off-site improvements for the WLCSP, the developer requesting the permit shall retain a qualified archaeologist to prepare a Phase I cultural resource assessment (CRA) of the project site if an up to date CRA (within 5 years of the current year for which the permit above is sought) is not available for the site at the time of development. If archaeological resources are uncovered or discovered during construction activities, no further excavation or disturbance of the area where the resources were found shall occur until a qualified archaeologist, in consultation with the appropriate Tribe, evaluates the find. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the find is determined to be a unique or significant archaeological resource, appropriate action shall be taken to include but not be limited to: (a) planning

²⁰ ²⁰ It is anticipated that the Pechanga Tribe will be the "appropriate" Tribe due to their prior and extensive participation in the Highlands Fairview project and the current Project and their coordination with the City and project applicant in determining potentially significant impacts and appropriate mitigation measures.

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
 Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 14

construction to avoid archeological sites; (b) capping or covering archeological sites with a layer of soil before building on the affected site; or (c) excavation to adequately recover the scientifically consequential information from and about the resource. Appropriate mitigation shall take into account the religious beliefs, customs, and practices of the appropriate Tribe. Work may continue on other parts of the project site while the unique archaeological resource mitigation takes place. This measure shall be implemented to the satisfaction of the City Planning Division. If the qualified archaeologist, in consultation with the appropriate Tribe, determines that the find is a unique archaeological resource, the resource site shall be evaluated and recorded in accordance with requirements of the State Office of Historic Preservation (OHP) and as described in 4.5.61A. If the site is determined to be significant and cannot be avoided through site design, an adequate amount of data at the specific site shall be collected by the qualified archaeologist and the findings of the report shall be submitted to the City. If the site is not determined to be not significant, the site need not be mitigated for as described above.

24

4.5.6.1C Prior to any discretionary approvals for development ~~within 3,750 feet of the southwest corner of the site,~~ the project developer shall retain a qualified archaeologist to monitor grading as this area has been identified as having moderate to high sensitivity for cultural resources. Project-related archaeological monitoring shall include the following requirements:

1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative and the appropriate Tribe;
2. Once 50 percent of the earth to be moved has been examined, the Project Archaeologist may, at his or her discretion and in consultation with the appropriate Tribe, terminate monitoring if and only if no buried cultural resources have been detected;
3. If buried cultural resources are detected, monitoring shall continue until 100 percent of virgin earth within the permit area has been disturbed and inspected by the Project Archaeologist or his/her designated representative and the appropriate Tribe.
4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative and the appropriate Tribe. Grading should continue in other areas of the site while particular find are investigated; and
5. If cultural artifacts are uncovered during grading, they shall be Phase II tested by the Project Archaeologist and the appropriate Tribe, evaluated for significance in accordance with §15064.5 the *CEQA Guidelines*, and curated in a museum²¹ chosen

25

²¹ The Pechanga Tribe would like the City to know that we own and maintain a curation facility that meets or exceeds 36 CFR Part 79 standards. Currently we do not charge to store Luiseño cultural items. The only exception

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 Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 15

by the City if the resource(s) are determined to be significant. Appropriate actions for significant resources include but are not limited to avoidance or capping (except of human remains), incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds (Phase III recovery). A mitigation-monitoring report must accompany any archived artifacts.

6. No further grading shall occur in the area of the discovery until the City approves specific actions to protect identified resources. Any archaeological artifacts recovered as a result of mitigation shall be handled as outlined in 5 above, donated to a qualified scientific institution approved by the City where they would be afforded long term preservation to allow future scientific study.

7. The developer shall make reasonable efforts to avoid, minimize, or mitigate significant adverse impacts on cultural resources on the WLCSP property, and the SHPO and local Native American tribes will be consulted and the Advisory Council on Historic Preservation (should there be Federal involvement on this Project) will be notified within 48 hours in compliance with 36 CFR 800.13(b)(3). This measure shall be implemented to the satisfaction of the City Planning Division.

8. The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.

4.5.6.1D Prior to the issuance of any grading permit within 3,750 feet of the southwest corner of the site, the City and the applicant shall invite interested Tribal Group(s) representatives to help monitor grading if they so desire. Qualified representatives of the Tribal Group(s) shall be granted access to the permit site to monitor grading as long as they provide 48 hour notice to the developer of their desire to monitor, so the developer can make appropriate safety arrangements on the site. the project developer shall retain a qualified tribal monitor from the appropriate tribe and develop a Cultural Resources Treatment Agreement to monitor grading as this area has been identified as having moderate to high sensitivity for cultural resources, in which they have a direct ancestral connection. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation by the developer for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. This measure shall be implemented to the satisfaction of the City Planning Division.

is for human remains, sacred/ceremonial items or grave goods in which the Tribe requests that these items be reburied in an appropriate location of the Project property.

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 Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 16

4.5.6.1E It is possible that ground-disturbing activities during construction may uncover previously unknown, buried cultural resources (archaeological or historical). In the event that buried cultural resources are discovered during grading and no Project Archaeologist or Historian or tribal representative is present, grading operations shall stop in the immediate vicinity of the find and a qualified archaeologist and the appropriate tribe shall be retained to determine the most appropriate course of action regarding the resource. The Archeologist, in consultation with the appropriate tribe shall make recommendations to the City on the actions that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with §15064.5 of the *CEQA Guidelines* as a matter of last resort. Cultural resources could consist of, but are not limited to, stone artifacts, bone, wood, shell, or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate DPR forms and evaluated for significance in terms of CEQA criteria. If the resources are determined to be unique historic resources as defined under §15064.5 of the *CEQA Guidelines*, mitigation measures shall be identified by the Archaeologist and the appropriate tribe and recommended to the City. Appropriate protective actions for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the City approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be returned to the appropriate tribe as provided for in 4.5.6.1C(5), above. In addition, reasonable efforts to avoid, minimize, or mitigate adverse effects to the property will be taken and the SHPO and Native American tribes with concerns about the property, as well as the Advisory Council on Historic Preservation native American Heritage Commission will be notified within 48 hours in compliance with 36 CFR 800.13(b)(3). If the project archaeologist and the Tribe cannot agree on the significance or the mitigation for such resources, not including human remains or grave goods, these issues will be presented to the Planning Director or appropriate City representative for decision. The Planning Director or appropriate City representative shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources and Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council.

27

4.5.6.1F If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The

28

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
 Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

Pechanga Comment Letter to the City of Moreno Valley
 Re: Pechanga Tribe Comments on the World Logistics Project
 April 8, 2013
 Page 17

Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described in 4.5.6.1D.

28

4.5.7 For cultural resources that are known or discovered during earth-moving activities and which will be preserved either in open space or in areas of no development, a long-term preservation plan must be completed between the Developer and the Pechanga Tribe. The preservation plan must include, but is not limited to, how the resources will be protected (i.e., fencing, native plants, etc.), who has responsibility for the long-term care, who shall pay for the long-term care, the role of the Tribe in maintaining and preserving the resources, approved uses and prohibited uses of the property, access rights and any other relevant provisions related to preservation and protection of cultural resources.

29

4.5.8 For the trails anticipated to be required for this Project, the Developer must consult with the appropriate tribe regarding the location of such trails. Sensitive cultural resources exist on the property and the alignment of the trail could impact subsurface cultural materials. In addition, a long-term maintenance and preservation plan for said trails must be completed between the developer and the Pechanga Tribe to ensure that at a minimum, cultural resources are not damaged through misuse by trail users, vandalism, maintenance needs for the trail and/or improvements or expansion of the trails.

30

The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project's impacts to cultural resources and potential mitigation for such impacts. The Pechanga Tribe looks forward to working together with the City of Moreno Valley in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov once you have had a chance to review these comments so that we may discuss the proposed mitigation measure language. Thank you.

31

Sincerely,



Anna Hoover
 Cultural Analyst

Cc Pechanga Office of the General Counsel

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians
 Post Office Box 2183 • Temecula, CA 92592*

Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need

RESPONSES TO LETTER A-3

Pechanga Temecula Band of Luiseño Mission Indians

Response to Comment A-3-1. All public notices regarding the World Logistics Center (WLC) project and its subsequent project-specific applications will be sent to the Tribe as requested.

Response to Comment A-3-2. The designated Open Space area of the WLC Specific Plan was specifically configured to include all known prehistoric cultural resources located at the base of Mount Russell, including CA-RIV-8007 and CA-RIV-2993. Any future trail within or in the vicinity of Open Space Area shall be located and designed to avoid any sensitive cultural resources in consultation with appropriate tribal groups.

Mitigation Measure (MM) 4.5.6.1C was modified to list where additional survey work would be conducted, and the revised measure is described in more detail in Response to Comment A-3-23.

Response to Comment A-3-3. As shown in the technical report, project archaeologists performed two separate sacred lands searches, one in 2005 and another in 2011. Both were designed to provide local tribal groups with the opportunity to comment on the archaeological work effort. In both instances, letters to all tribes named by the Native American Heritage Commission (NAHC) were submitted to each named tribal contact by mail by the project archeologist. The Pechanga Band did not respond to the letter in 2011 and the Pechanga Band was not named on the NAHC list in 2005. Had the Pechanga Tribe responded to the letter in 2011, their response letter would have been shown in Appendix B of the technical report in the Draft Environmental Impact Report (DEIR) and the mode of contact would have been reproduced within the body of the report similar to the modes of contact for other tribal groups.

The designated Open Space area in the WLC Specific Plan was specifically configured to envelop all known prehistoric cultural resources including CA-RIV-8007 and CA-RIV-2993.

Response to Comment A-3-4. Government-to-Government consultations have been underway between City staff and staff from Pechanga Cultural Resources. On May 30, 2012, the City met with Pechanga Cultural Resources staff Anna Hoover, Ebru Ozdil, and Michele Fahley. This meeting took place at City Hall and was informational in nature. The meeting was in direct response to a letter provided in the past from the Pechanga Band that had requested consultation. Staff has not met with this Tribal agency since the release of the DEIR. Ongoing consultations will continue to occur up to the release of the Final Environmental Impact Report (FEIR) and well after review and a final project decision is reached by the City Council.

Response to Comment A-3-5. The Government-to-Government consultation process is being followed following proper procedures. Sensitive cultural resources have not and will not be disclosed to the public.

Response to Comment A-3-6. The March 16, 2012 tribal comment letter shall be included in the FEIR.

Response to Comment A-3-7. Refer to Response to Comment A-3-2.

Response to Comment A-3-8 It must be noted that both the Pechanga Band and Soboba Band have overlapping geographic interests in this area. The City, the project proponent, and project archaeologists do not have legal authority to assign exact cultural affiliations or jurisdictions upon or responsibilities for existing or buried prehistoric cultural resources. The NAHC would be contacted to make a determination of affiliation and Most Likely Descendant (MLD) if necessary.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Several of the mitigation measures (MMs 4.5.6.1D and 4.5.6.1E) in the EIR state that future impacts to surficial or buried prehistoric cultural resources as a result of development within the WLC Specific Plan will be subject to consultation between all concerned parties, including the Tribe and the City of Moreno Valley.

Response to Comment A-3-9. We do not question any aspect of the Tribe's interpretative comments. The Soboba also claim this area as a part of their cultural heritage and it is highly probable that both groups used the area through time. Determining the relationship of these lands to specific groups falls outside of the EIR and a decision on how efforts are cooperatively covered lies with the City of Moreno Valley.

Response to Comment A-3-10. Please refer to Response to Comment A-3-9.

Response to Comment A-3-11. The EIR states that direct impacts to known prehistoric cultural resources will be avoided by including these resources into the Open Space areas of the Specific Plan. Off-site development and indirect impacts to cultural resources in the Open Space and off-site portions of the project, as well as the "Light Logistics Parcels" are subject to further analytical review and consultation with concerned parties including all appropriate tribal groups. Impacts to unknown prehistoric cultural resources during construction are addressed in MMs 4.5.6.1C and 4.5.6.1E.

Existing mitigation measures (MM 4.5.6.1C) in the EIR do allow all appropriate tribal groups to monitor earthmoving during grading and require that the Project Archaeologist immediately consult with all appropriate tribal groups if archaeological finds take place (MMs 4.5.6.1C and 4.5.6.1E in the DEIR). Project-specific agreements with grading monitors are premature at this point in the process. The City requires that all appropriate tribal groups be invited to monitor grading prior to the issuance of project-specific grading permits. The terms and conditions of tribal monitoring will be negotiated on a project-by-project basis. The terms and conditions shall include a discussion on monitoring intensity, the identification of any significant resources and the disposition of any cultural items retrieved.

Response to Comment A-3-12. The letter will be added to the appendices of the FEIR. The City is conducting on-going consultation with all interested local Native American tribes and will continue such consultation throughout the life of the project.

Response to Comment A-3-13. The interpretations provided in the project archaeologist's report represent the expert opinion of a qualified analytical team. All known prehistoric cultural resources exposed at the modern ground surface level were included in the Open Space area within the WLC Specific Plan, whether those sites were considered significant or not. Since the sites are to be avoided, and encompassed into open space, the designation of the site as significant, or not significant, is moot.

Response to Comment A-3-14. Regardless of how archaeologists interpret prehistory as it is expressed by the remnants of material culture, the fact remains that no known prehistoric cultural resources located on the modern ground surface will be directly impacted by construction of the WLC project and that physical observation of all grading activities in the vicinity will occur by qualified professional monitors and by Native American monitors if they choose to participate.

Response to Comment A-3-15. Regardless of how archaeologists interpret prehistory as it is expressed by the remnants of material culture, no prehistoric cultural resources located on the modern ground surface will be directly impacted by construction. The idea of divide and conquer is not the intention of the cultural resource assessment. The project archaeologist provided a fairly standardized definition of what constitutes an archaeological site. The definition was adhered to for defining a site and was incorporated into defining site boundaries. The City agrees that having a

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

series of sites concentrated into a constrained area should be taken into consideration when assessing significance. In this instance, it is noted that the boundary of the Open Space area was drawn to include all prehistoric sites, thereby providing protection to the resources.

Response to Comment A-3-16. Refer to Response to Comment A-3-15.

Response to Comment A-3-17. Refer to Response to Comment A-3-15.

Response to Comment A-3-18. The EIR and the supporting cultural resource assessment report do not disagree with the Tribes' interpretation of existing regional cultural evidence and artifacts. The interpretative disagreement, with relationship to the EIR, is rendered moot by placing all known prehistoric cultural resources into the Open Space section of the Specific Plan, thereby avoiding them during construction of the project. These sites are therefore preserved for future generations.

Response to Comment A-3-19. Refer to Response to Comment A-3-18.

Response to Comment A-3-20. Refer to Response to Comment A-3-14.

Response to Comment A-3-21. The eastern portion of CA-RIV-8007 is located in the Open Space area designated within the WLC Specific Plan, and the western portion of the site is located on an adjacent parcel that is not a part of the Project. Therefore, this site will be completely avoided during construction of the project.

Response to Comment A-3-22. In response to this comment, the proposed route of the future public trail has been adjusted to the north approximately 2,000 feet to avoid any possible impact to known cultural resources (refer to Figure 1-3). The trail route is now proposed to run along Street E instead of along the boundary of the designated Open Space.

Response to Comment A-3-23. Impacts to buried cultural resources are considered adequate following CEQA guidelines, but refined modifications to those measures have been made following comments made by Tribal representatives. Subsequent to receiving Letter A-3, the EIR's cultural resource mitigation measures were re-examined by the City, the project archeologists, and the authors of the EIR. The following statement has been added to the cultural resource section of the EIR just before MM 4.5.6.1A:

Mitigation Measures. The following measures are proposed to help reduce potential impacts on known, unknown, or potential archaeological or historical resources to less than significant levels. The wording of the measures has been changed from the Draft Environmental Impact Report to address specific comments made by the Pechanga Tribe. The Tribe did request that the survey area limitations outlined in MMs 4.5.6.1C and 4.5.6.1D be removed. After consultation with the project archaeologist the measures have been modified to refer to specific planning areas within the World Logistics Center Specific Plan as shown below:

4.5.6.1A Prior to the approval of any grading or other discretionary permit for any of the "Light Logistics" parcels, the parcels shall be evaluated for significance by a qualified archaeologist ~~since they were not available for survey during preparation of the EIR. A Phase II. A Phase 1~~ Cultural Resources Assessment shall be conducted by the project archaeologist and an appropriate tribal representative(s) on each of the "Light Logistics" parcel ~~prior to development to determine if it contains~~ significant archaeological or historical resources.

A Phase II 2 significance evaluation shall be completed for any of these sites ~~that are determined to~~ in order to determine if they contain significant archaeological or historical resources ~~based on the results of the Phase I assessment~~. Cultural resources

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

include but are not limited to stone artifacts, bone, wood, shell, or features, including hearths, structural remains, or historic dumpsites. ~~If a particular resource is~~ All resources determined to be significant, ~~it prehistoric or historic shall be adequately~~ documented using DPR523 forms for archival research/storage in the Eastern Information Center (EIC). If the particular resource is determined to be not significant, no further ~~documented~~ documentation is required. ~~Any artifacts~~ If prehistoric resources are determined to be significant, they shall be considered for relocation or archival documentation, ~~as appropriate, depending on whether the building or buildings are~~ determined to be significant under CEQA. If any building resource is determined to be significant, a Phase III³³ recovery study shall be conducted to recover remaining significant cultural artifacts. ~~If necessary, a feasibility study shall be conducted to~~ determine if a significant structure can be relocated effectively to off-site parcels. ~~The study shall also identify if there~~ If prehistoric archaeological/cultural resources are appropriate parcels available within or close to the Moreno area of the City. ~~If the structure discovered during the Phase 1 survey and it is determined that they cannot~~ be feasibly relocated, ~~or there is not an appropriate parcel to relocate the structure~~ to, ~~the structure shall be demolished after complete archival recordation avoided~~ through site design, they shall be subject to a Phase 2 testing program. The project archaeologist and in consultation with appropriate tribal group(s) shall determine the significance of the resource(s) and determine the most appropriate disposition of the resource(s) in accordance with applicable laws, regulations and professional practices (per Cultural Report MM CR-1, MM CR-2, MM CR-7 Table 3, pg.74).

- 4.5.6.1B** Prior to the ~~approval-issuance of any grading or ground-disturbing permit by the City for~~ construction of off-site improvements ~~for the WALKS, the developer requesting the permit shall retain~~ qualified archaeologist shall be retained to prepare a Phase I cultural resource assessment (CRA) of the project site if an up to date Phase I cultural resource assessment is not available for the site at the time of development per Cultural Report MM CR-5, Table 3, pg.74).

Appropriate tribal representatives as identified by the City shall be invited by the Project Archaeologist to participate in this assessment.

If archaeological resources are ~~uncovered or~~ discovered during construction activities, no further excavation or disturbance of the area where the resources were found shall occur until a qualified archaeologist evaluates the find. If the find is determined to be a unique archaeological resource, appropriate action shall be taken to ~~include but not be limited to:~~ (a) planning; (a) plan construction to avoid the archeological sites; (the preferred alternative); (b) capping cap or covering cover archeological sites with a layer of soil before building on the affected site-project location; or (c) excavation-excavate the site to adequately recover the scientifically consequential information from and about the resource. ~~Work~~ At the discretion of the project archaeologist, work may continue on other parts of the project site while the unique archaeological resource mitigation takes place. This measure shall be implemented to the satisfaction of the ~~City Planning Division Official.~~

~~If the qualified project archaeologist, in consultation with the monitoring Tribe(s),~~ determines that the find is a unique archaeological resource, the resource site shall be evaluated and recorded in accordance with requirements of the State Office of Historic Preservation (OHP). ~~If the site resource is determined to be significant, an adequate amount of data at the specific site shall be collected by the qualified archaeologist and the findings of the report shall be submitted to the City. If the site find is not determined to be not significant the site need not be mitigated for as described above no mitigation is necessary.~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Should a future project-level analysis show that cultural resource site CA-RIV-3346 will be directly or partially impacted by project-level construction, an Addendum cultural resource report must be prepared and include an analysis of the alternatives associated with mitigation for impacts to this resource following CEQA Guidelines Section 15126.4(b)(3). This information must be included in any project-level CEQA compliance documentation. It should be noted that Phase 3 data recovery is an acceptable mitigation action under CEQA Guidelines Section 15126.4(b)(3)(C) (per Cultural Report MM CR-3, Table 3, pg.74).

Should it be determined through a future project-level EIR analysis that prehistoric cultural resource sites CA-RIV-2993 and/or CA-RIV-3347 shall be directly impacted by future construction, these sites must be Phase 2 tested for significance (per Cultural Report MM CR-4, Table 3, pg.74).

4.5.6.1C ~~Prior to the issuance of any discretionary approvals for development within 3,750 feet of the southwest corner of the site, the project developer shall retain grading permits a qualified archaeologist shall be retained to monitor all grading as this area has been identified as having moderate and shall invite tribal groups to high sensitivity for cultural resources to participate in the monitoring. Project-related archaeological monitoring shall include the following requirements per Cultural Report MM CR-6, MM CR-8, Table 3, pg.74):~~

- ~~1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative. Once 50 percent all areas of the earth to be moved has development project that have been examined cut to 10 feet below existing grade have been inspected by the monitor, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected;~~
- ~~2. If buried cultural resources are detected, monitoring shall continue until 100 percent of virgin earth within the permitspecific project area has been disturbed and inspected by the Project Archaeologist or his/her designated representative.~~
- ~~3. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. A buffer of at a minimum 25 feet around the cultural item shall be established to allow for assessment of the resource. Grading shouldmay continue in other areas of the site while the particular find are investigated; and~~
- ~~4. If prehistoric cultural artifactsresources are uncovered during grading, they shall be Phase 2 tested by the Project Archaeologist, and evaluated for significance in accordance with §15064.5(f) of the CEQA Guidelines , and curated in a museum chosen by the City if the resource(s) are determined to be significant. Appropriate actions for significant resources as determined by the Phase 2 testing include but are not limited to avoidance or capping, incorporation of the site in green space, parks, or delineation into open space. If such measures are not feasible, Phase 3 data recovery excavations of the finds (Phase III recovery)recovery of the significant resource will be required, and curation of recovered artifacts and/or reburial, shall be required. A mitigation-monitoring report associated with Phase 2 testing or Phase 3 data recovery must accompanybe delivered to the City and, if necessary, the museum where any archived recovered artifacts have been curated.~~
- ~~5. No further grading shall occur in the area of the discovery until the City approves specific actions to protect identified resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

by the City where they would be afforded long-term preservation to allow future scientific study.

6. The developer shall make reasonable efforts to avoid, minimize, or mitigate significant adverse impacts on cultural resources ~~on the WLCSP property, and the SHPO. The State Historic Preservation Office (SHPO)~~ and local Native American tribes will be consulted and the Advisory Council on Historic Preservation will be notified within 48 hours of the find in compliance with 36 CFR 800.13(b)(3). This measure shall be implemented to the satisfaction of the ~~City Planning Division Official.~~

4.5.6.1D Prior to the issuance of any grading ~~within 3,750 feet of the southwest corner of the site, the City and the applicant permit the project archaeologist shall invite~~ interested Tribal Group(s) representatives to monitor grading activities. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor grading as long as they provide 48-hour notice to the developer of their desire to monitor, so the developer can make appropriate safety arrangements on the site. This measure shall be implemented to the satisfaction of the ~~City Planning Division Official.~~

4.5.6.1E It is possible that ground-disturbing activities during construction may uncover previously unknown, buried cultural resources (archaeological or historical). In the event that buried cultural resources are discovered during grading and no Project Archaeologist or Historian is present, grading operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be retained to determine the most appropriate course of action regarding the resource. The Archaeologist shall make recommendations to the City on the actions that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with §15064.5 of the *CEQA Guidelines*. Cultural resources could consist of, but are not limited to, stone artifacts, bone, wood, shell, or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area ~~should~~ shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of CEQA criteria. If the resources are determined to be unique historic resources as defined under §15064.5 of the *CEQA Guidelines*, ~~mitigation measures shall be identified by the Archaeologist and recommended to the City. Appropriate~~ appropriate protective actions for significant resources ~~could include~~ such as avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds ~~shall be implemented by the project archaeologist and the City.~~

No further grading shall occur in the area of the discovery until the City and project archaeologist approve the measures to ~~protect~~ address these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the City where they would be afforded long-term preservation to allow future scientific study.

~~In addition, reasonable efforts to avoid, minimize, or mitigate adverse effects to the property will be taken and the SHPO and Native American tribes with concerns about the property, as well as the Advisory Council on Historic Preservation will be notified within 48 hours in compliance with 36 CFR 800.13(b)(3)~~

Response to Comment A-3-24. Refer to Response to Comment A-3-23.

Response to Comment A-3-25. Refer to Response to Comment A-3-23.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment A-3-26. Refer to Response to Comment A-3-23.

Response to Comment A-3-27. Refer to Response to Comment A-3-23.

Response to Comment A-3-28. Refer to Response to Comment A-3-23.

Response to Comment A-3-29. The City has reviewed the mitigation measure the Tribe has recommended and has determined the proposed measure will not be necessary.

Response to Comment A-3-30. The City has reviewed the mitigation measure the Tribe has recommended and has determined the proposed measure will not be necessary.

Response to Comment A-3-31. The City will continue to work with the Pechanga Tribe during all future environmental compliance reviews and discretionary project processing.

Letter A-4: United States Environmental Protection Agency (April 8, 2013)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

Letter A-4

April 8, 2013

John Terell
Planning Official
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA, 92553

Subject: Proposed World Logistics Center Project, Draft Environmental Impact Report

Dear Mr. Terell:

The U.S. Environmental Protection Agency (EPA) became aware of the proposed World Logistics Center project in the City of Moreno Valley after being contacted by a resident concerned with potential air quality impacts from the project. Although EPA generally limits our review to Environmental Impact Statements required to comply with the National Environmental Policy Act, we do periodically review Environmental Impact Reports (EIR) if the potential impacts are substantial. Based on the concerns that were brought to our attention, EPA conducted a limited review of the World Logistics Center Project Draft EIR, dated February 4, 2013. Our review focused on potential air quality and health-related impacts.

The Draft EIR acknowledges that the proposed project is in an area that currently does not meet EPA's National Ambient Air Quality Standards and is classified as extreme nonattainment for 8-hour ozone, serious nonattainment for PM₁₀, and nonattainment for PM_{2.5}. For this reason, it is critical to identify and commit to all available mitigation measures to reduce air quality impacts as much as possible. The Draft EIR states that emissions from the construction and operation of the proposed project, even with the proposed mitigation measures, would lead to significant and unavoidable air quality impacts and would expose sensitive receptors to substantial pollutant concentrations (pages 1-2, Appendix A). The document further states that the project would exceed South Coast Air Quality Management District regional significance thresholds for volatile organic compounds, nitrogen oxides, carbon monoxide, PM₁₀, and PM_{2.5}.

To avoid or minimize the air quality impacts from the proposed project, we encourage the City to consider using the most robust mitigation measures available. Section 4.3 of the Draft EIR lists mitigation measures for the construction and operation of the proposed project. In addition to these measures, we suggest that the City consider implementing the mitigation measures listed below.

- Limit idling of heavy equipment and trucks to less than 5 minutes and verify compliance through unscheduled inspections. Information about the California Air Resources Board (CARB) mobile source anti-idling requirements is available at: <http://www.arb.ca.gov/insprog/truck-idling/truck-idling.htm>.
- Limit the use of the facility to zero/near-zero emission trucks meeting, at a minimum EPA's Tier 4 2010 emissions standards.

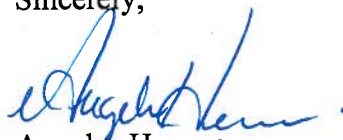
- Larger Tier 4 construction equipment will be more widely available in 2015.¹ If practicable, starting in 2015, limit construction equipment to EPA's Tier 4 emission standards.
- Commit to the use of construction equipment powered by alternative fuels (i.e., biodiesel, compressed natural gas, and electricity).

Furthermore, we suggest that the City review and consider the mitigation measures included in the Mitigation Monitoring and Reporting Program discussed in the Consent Judgment for *Center for Community Action and Environmental Justice et al. v. County of Riverside et al.*, February 14, 2013.² Specifically, we recommend that the City consider restricting truck routes from accessing roads next to residential areas; enforcing the California Air Resources Board's anti-idling regulation; establishing a diesel minimization plan; and utilizing its best efforts to analyze whether this project, and future projects subject to the California Environmental Quality Act, may impact certain overburdened communities and sensitive populations.

Lastly, we recommend that Section 4.3 of the Draft EIR be updated to describe the communities that would be impacted by air emissions from the proposed project. We encourage the City to evaluate any relevant and available demographic, socioeconomic, health, and environmental data to assess whether potential environmental justice concerns exist. We suggest that the City analyze and disclose the potential for certain subpopulations and overburdened communities to be more adversely affected by air pollution, and identify specific mitigation measures to address impacts to these populations. The additional analysis may identify a need to further lessen, mitigate, or avoid completely potential emissions from the World Logistics Center. Further, such an analysis may lead to specific design changes aimed at maintaining or improving the health of affected residents.

Please contact me, at (415) 972-3144, or Jacquelyn Hayes, of my staff, at (415) 972-3259 or hayes.jacquelyn@epa.gov, if EPA can be of assistance in this matter.

Sincerely,



Angeles Herrera
Associate Director
Communities and Ecosystems Division

cc: Ian MacMillan, SCAQMD
Arsenio Mataka, Cal/EPA
Hasan Ikhrata, SCAG

¹ More information is available at <http://www.dieselnet.com/standards/us/nonroad.php>.

² A copy of the consent judgment is available at http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/mira_loma_settlement.pdf.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

RESPONSES TO LETTER A-4

United States Environmental Protection Agency (April 8, 2013)

Response to Comment A-4-1. The United States Environmental Protection Agency (EPA) stated their right to review the EIR and make comments. The City acknowledges the EPA's authority and interest in commenting on the WLC project Draft Environmental Impact Report (DEIR).

Response to Comment A-4-2. The City acknowledges that the EPA's primary concern is regarding air quality, including criteria air pollutants such as particulates and ozone. The EPA also correctly summarizes the results of the EIR regarding air pollutants that will exceed the SCAQMD's significance criteria: volatile organic compounds; oxides of nitrogen; carbon monoxide; and both large and small particulates. The EIR outlines a number of measures that could help reduce or mitigate project emissions (Mitigation Measures (MMs) 4.3.6.1A through 4.3.6.1N), as discussed in Section 4.3 of the corrected DEIR which is Volume 2 of this Final Environmental Impact Report (FEIR) document. Due to the size and type of project proposed, it is not possible to reduce project emissions to less than significant levels.

Response to Comment A-4-3. The commenter suggested mitigation measures, as discussed below. Please see the Mitigation Monitoring Reporting Program (FEIR Volume 1) for a list of the current project mitigation measures.

Suggested Mitigation Measure	Response
1. Limit idling of heavy equipment and trucks to less than 5 minutes and verify compliance through unscheduled inspections.	Partially Included. MM 4.3.6.2A includes idling restrictions during construction, which reduce idling time to 3 minutes. MM 4.3.6.3B includes idling restrictions during operation and also requires that signs be posted with a number to report idling violations. The Air Resources Board (ARB) can also inspect and impose fines of \$300 to \$1,000 (www.arb.ca.gov/msprog/truck-idling/factsheet.pdf).
2. Limit the use of the facility to zero/near-zero emission trucks meeting, at a minimum EPA's Tier 4 2010 emissions standards.	Partially Included. Diesel trucks are required to be model year 2010 or later pursuant to MM 4.3.6.3B. This was a project design feature in the DEIR and has been added as a mitigation as part of the FEIR (FEIR Volume 2, Section 4.3 Air Quality). 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.
1. Larger Tier 4 construction equipment will be more widely available in 2015. If practicable, starting in 2015, limit construction equipment to EPA's Tier 4 emission standards.	Included. MM 4.3.6.2A, has been refined and requires Tier 4 equipment for all diesel off-road equipment greater than 50 horsepower.
2. Commit to the use of construction equipment powered by alternative fuels (i.e., biodiesel, compressed natural gas, and electricity).	Partially Included. MM 4.3.6.2A includes a requirement to provide electrical hook ups to the power grid. However, to require biodiesel or natural gas for construction is not feasible because of the availability and sourcing of those types of equipment.

Response to Comment A-4-4. The commenter suggested that the City review and consider the mitigation measures in the Mitigation Monitoring and Reporting Program discussed in the Consent Judgment for *Center for Community Action and Environmental Justice et al. v. County of Riverside et al*, February 14, 2013 (the Mira Loma project). There are a variety of measures in that document (the

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

commenter did not provide the document, but it can be found at the following website: http://oag.ca.gov/system/files/attachments/press_releases/Mira%20Loma%20-%20Consent%20Judgment_0.pdf). The measures are summarized in the following table.

Suggested Mitigation Measure	Response
<i>Restricted Truck Route Ordinance.</i> Restrict truck routes from accessing roads next to residential areas.	Already Included. Section 3.3.3 of the Specific Plan, Truck Circulation, indicates the following: “The World Logistics Center plan directs all heavy truck traffic to SR-60 and Gilman Springs Road and away from Redlands Boulevard (south of Eucalyptus) and Cactus Avenue. These prohibitions are incorporated in the City’s Truck Route Ordinance.”
<i>Air Filtration Systems.</i> Applicants shall fund the purchase, installation, and maintenance of in-home air filtration systems for qualifying residential parcels.	Not Incorporated. Air filtration systems are not required as discussed in Master Response, Air Filtration Systems for Residences In Responses to Comment Letter C-3.
<i>Anti-idling Regulation.</i> Enforce the ARB’s anti-idling regulation.	Already Included. MM 4.3.6.2A includes idling restrictions during construction that reduce allowed idling time to 3 minutes. MM 4.3.6.3B includes idling restrictions during operation.
<i>Clean Trucks.</i> Require trucks greater than 16,000 pounds meet or exceed 2007 model year emissions standards.	Already Included. The requirement of model year 2010 or newer trucks was a project design feature in the DEIR; however, this is now included in MM 4.3.6.3B to demonstrate the emissions reductions.
<i>Buffers.</i> Establish landscaped setbacks between some residences and the project.	Already Included. The World Logistics Center Specific Plan (WLCSP) requires that buildings must be set back 250 feet from residentially zoned property. In addition, MM 4.1.6.1A also requires a 250 setback.
<i>Solar.</i> Solar ready buildings; apply for solar funding.	Incorporated. The FEIR includes rooftop solar (MM 4.16.4.6.1C).
<i>Air Monitoring.</i> Measure black carbon and/or other indicators of diesel particulate matter.	Not Included. This would not provide any benefit for the project and would not reduce emissions or impacts. Air monitoring would not be able to distinguish pollutant levels of the project from all other sources of emissions in the project area (from other projects and the adjacent freeway). There will be future CEQA review on project level plot plans, which would confirm consistency with the assumptions made in the programmatic EIR. If a project level analysis is found inconsistent then it may be required to perform its own Health Risk Assessment (HRA).
<i>Electrification.</i> Project applicant to install and maintain a minimum of two Level 2 Electric Vehicle Supply Equipment at each plot plan with buildings over 100,000 square feet. (Also requires one Level 3 station at one of the plots.)	Already Included. MM 4.3.6.3C requires an onsite alternative fueling station. MM 4.3.6.4A requires electric vehicle-charging stations at each building and requires electrical power sources for service equipment and docking of trucks. The type of electrical station is not specified to allow for advances in electrical technology.
LEED. Buildings in excess of 100,000 square feet shall be LEED Silver or higher.	Partially Included. In the FEIR, the project has incorporated MM 4.16.4.6.1C; a summary is provided below (please refer to the Mitigation Monitoring Reporting Program for exact wording): <ol style="list-style-type: none"> 1) <u>Install solar panels with a capacity equal to the peak daily demand for the office uses in each warehouse building;</u> 2) <u>Increase efficiency for buildings by implementing either 10 percent over the 2008 Title 24’s energy saving requirements or the Title 24 requirements in place at the time the building permit is approved, whichever is more strict; and</u>

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
	3) <u>Require the equivalent of “Leadership in Energy and Environmental Design Certified” for the buildings constructed at the World Logistics Center based on Leadership in Energy and Environmental Design Certified standards in effect at the time of project approval.</u>

The commenter also recommends that the project establish a “diesel minimizing plan.” However, details regarding this plan were not included within the letter. The project contains a variety of project design features and mitigation measures to reduce diesel particulate matter emissions, including the following: requiring that heavy duty diesel trucks be model year 2010 or later (MM 4.3.6.3B), requiring Tier 4 onsite construction equipment (MM 4.3.6.2A), and requiring non-diesel onsite equipment (MM 4.3.6.3B and project design features).

The commenter also recommends analyzing whether this project and future projects subject to CEQA may impact certain overburdened communities and sensitive populations. As described in Section 4.3 and in Master Response-2 below, the latest research demonstrates that there is no cancer risk from new technology diesel exhaust produced by diesel engines equipped with a diesel particulate filter. As a result, the proposed project will not result in a significant health risk impact. Nonetheless, a localized analysis and the health risk assessment is in the DEIR (Section 4.3) and in the revised analysis assessed the potential impact of project emissions to a wide range of sensitive receptors extending from Palm Springs to the ports of Los Angeles and Long Beach. The results after mitigation were that offsite receptors would receive less than significant impacts. This is primarily due to additional mitigation such as the use of Tier 4 construction equipment and lower emission rates for heavy-duty trucks published by CARB. Under recently adopted OEHHA methodology (which incorporates age sensitivity factors, 30-year exposure duration, and higher breathing rates for a more conservative analysis), there would be a significant impact for three homes within the project site. However, as mentioned above, the latest research shows that new technology diesel exhaust does not cause cancer and would not result in a significant impact.¹² The localized analysis and the health risk assessment took into account cumulative traffic. The localized analysis also accounted for existing background concentrations of air pollutants. Refer to pages 4.3-58 through 4.3-66 in the DEIR for the localized analysis and pages 4.3-71 through 4.3-83 for the health risk assessment. In addition, please refer to the revised analysis (see Master Response-1 in Response to Comment Letter C-3), which indicates that with refined construction and operational assumptions and emission factors, impacts are reduced.

The commenter suggests the EIR conduct an environmental justice analysis of the project air quality impacts on minority of low socioeconomic communities. The onsite rural residences, and the residential community immediately adjacent to the western boundary of the WLC project site, would be the primary receptors of air quality and health risk impacts of the WLC project. Localized air quality impacts outside of the project boundaries are less than the South Coast Air Quality Management District (SCAQMD's) localized air quality thresholds that were devised under the SCAQMD's Environmental Justice Initiative #4. None of these areas have high minority or Hispanic populations compared to the City as a whole. This conclusion is supported by the following comparison of the 2010 federal census data for the WLC property and the long established residential neighborhoods west and southwest of the WLC site (census tracts 426.24, 426.22, and 487.00 respectively):

¹² “Advanced Collaborative Emissions Study” published by the Health Effects Institute (HEI) in 2015 (Research Report 184 final). The HEI consists of governmental and private industry representatives including 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.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Race/Ethnic Group	City-Wide	CT 426.24	CT 426.22	CT 487.00
White	41.9%	51.5%	34.8%	34.1%
Black/African American	18.0%	13.1%	19.2%	28.3%
Asian	6.1%	6.3%	15.5%	10.2%
Native American	1.5%	0.7%	0.9%	1.2%
Other	32.5%	28.4%	29.6%	26.2%
Total	100.0%	100.0%	100.0%	100.0%
Hispanic	54.4%	45.3%	44.2%	40.7%

Source: 2010 Census website <http://www.census.gov/2010census/popmap/ipmtxtl.php?fl=06>

NOTES: CT = Census Tract (from U.S. 2010 federal census)

CT 426.24 includes WLC site, Mystic Lake, and neighborhoods along Redlands west to Moreno Beach Drive

CT 426.22 includes neighborhoods west of Moreno Beach Drive

CT 487.00 includes neighborhoods southwest of Moreno Beach Drive

Race categories = Other includes all other race categories plus those who indicated two races or more

Hispanic – ethnic category that is separate from race categories (i.e., can overlap several races)

The 2010 census data shows the 3 census tracts in and around the WLC site have a lower proportion of Hispanics than the City-wide figure (i.e. 10-14% less than the City total), so these neighborhoods would not be considered high minority or low socioeconomic status areas. Therefore, no further environmental justice analysis is necessary.

It should be noted that race data for the onsite residences is not provided because there are only 7 residences and privacy could not be maintained if detailed census block data from census tract 426.24 was released for these residences.

Most of the air quality impacts of the WLC project will be within the project boundaries, generally east of Redlands Boulevard/Merwin Street, south of SR-60, west of Gilman Springs Road, and north of the San Jacinto Wildlife Area. There is no empirical evidence that these incremental increases in project emissions, and the related incremental increase in regional air pollutants from project-related diesel truck emissions, will have significant health impacts on minority or low socioeconomic communities adjacent to these freeways.

Note about the term “Hispanic”

According to Wikipedia...Due to the technical distinctions involved in defining "race" vs. "ethnicity," there is confusion among the general population about the designation of Hispanic identity. Currently, the United States Census Bureau defines five race categories: (1) White; (2) Black or African American; (3) Native American or Alaska Native; (4) Asian; and (5) Native Hawaiian or Other Pacific Islander.

According to census reports, of the above races the largest number of Hispanic or Latinos are of the White Race, the second largest number come from the Native American/American Indian race who were the indigenous people of the Americas. The inhabitants of Eastern Island are Pacific Islanders and since the island belongs to Chile they are theoretically Hispanic or Latinos. Because Hispanic roots are considered aligned with a European ancestry (Spain), Hispanic/Latino ancestry is defined solely as an ethnic designation (similar to being Norse or Germanic). Therefore, a person of Hispanic descent is typically defined using both race and ethnicity as an identifier—i.e., Black-Hispanic, White-Hispanic, Asian-Hispanic, Amerindian-Hispanic or "other race" Hispanic.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The term "Hispanic" broadly refers to the culture, peoples, or nations with a historical link to Spain. The term commonly applies to countries once colonized by Spain, particularly the countries of Latin America that were colonized by Spain. It could be argued that the term should apply to all Spanish speaking cultures or countries, as the historical roots of the word specifically pertain to the Iberian region. It is also difficult to label a culture with one term, such as Hispanic, as the customs, traditions, beliefs and art forms (music, literature, dress, architecture, cuisine or others) vary widely depending on country and even within the regions of said country. (Wikipedia website accessed February 23, 2014).

Letter A-5: Soboba Band of Luiseño Indians (April 8, 2013)

RECEIVED

APR 24 2013

CITY OF MORENO VALLEY
Planning Division

April 8, 2013

Attn: Mark Gross, AICP Senior Planner
City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553



Letter A-5

Re: World Logistics Center Project, Draft EIR (SCH#2012021045)

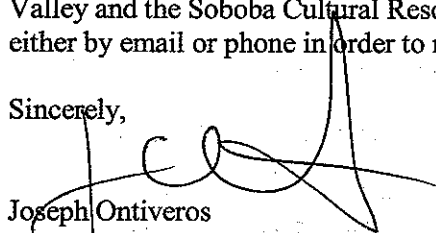
The Soboba Band of Luiseno Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. This project location is in close proximity to known village sites and is a shared use area that was used in ongoing trade between the Luiseno and Cahuilla tribes. Therefore it is regarded as highly sensitive to the people of Soboba.

Soboba Band of Luiseno Indians is requesting the following:

1. **Government to Government** consultation in accordance to Section 106. Including the transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur.
2. The transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur.
3. Soboba Band of Luiseno Indians continues to act as a consulting tribal entity for this project.
4. Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseno Indians requests that a Native American monitoring component be included as a mitigation measure for the environmental impact report. The Tribe is requesting that a Treatment and Dispositions Agreement between the developer and The Soboba Band be provided to the City of Moreno Valley prior to the issuance of a grading permit and before conducting any additional archaeological fieldwork.
5. Request that proper procedures be taken and requests of the tribe be honored (Please see the attachment)

The Soboba Band of Luiseno Indians is requesting a face-to-face meeting between the City of Moreno Valley and the Soboba Cultural Resource Department. Please contact me at your earliest convenience either by email or phone in order to make arrangements.

Sincerely,


Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseno Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

Coordination with County Coroner's Office. The Lead Agencies and the Developer should immediately contact both the Coroner and the Soboba Band in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

Non-Disclosure of Location/Reburials. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r). Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

RESPONSES TO LETTER A-5

Soboba Band of Luiseño Indians

Response to Comment A-5-1. The Band has provided comments regarding these facts, and their response letter has been reproduced in Appendix B of the Cultural Resources Assessment (Final Environmental Impact Report (FEIR) Volume 2 Appendix F).

Response to Comment A-5-2. Government-to-Government consultations have been underway between the City and staff from both Pechanga Cultural Resources and the Soboba Band of Luiseno Indians. On May 30, 2012, the City met with Pechanga Cultural Resources staff. On November 27, 2012, the City met with the Soboba Band. Both meetings took place at City Hall and were informational in nature. The meetings were in direct response to letters from the two Tribal agencies requesting consultation. Staff has not met with Pechanga Cultural Resources or the Soboba Band of Luiseno Indians since the release of the Draft Environmental Impact Report (DEIR). The City has indicated that consultations will continue to occur with both the Pechanga Cultural Resources and the Soboba Band of Luiseno Indians throughout the duration of the World Logistics Center (WLC) project at the request of the tribal groups. Both groups will receive all future project notices.

Response to Comment A-5-3. Government-to-Government relations regarding this project have been opened as part of the Senate Bill 18 process and the City will provide the Band with information regarding all subsequent development within the WLC.

Response to Comment A-5-4. The City will continue to provide government-to-government consultation with all interested tribal groups. The City is not familiar with the term “consulting tribal entity.”

Response to Comment A-5-5. Existing mitigation measures in the EIR (see Mitigation Measure (MM) 4.5.6.1D see Response to Comment A-3-23) allow all appropriate tribal groups to monitor earthmoving during grading. Project-specific agreements with grading monitors are premature at this point in the process. The City requires that all appropriate tribal groups be invited to monitor grading prior to the issuance of project-specific grading permits.

Response to Comment A-5-6. The codes that the Soboba Band cites in this comment are State laws associated with the discovery of human remains (HSC 7050.5c), the City and project archaeologists are required to follow them as well as the specific mitigation measures outlined in the DEIR (Section 4.5.2.2, State Health and Safety Code) regarding the disposition of human remains found during any excavations. State law requires human remains of pre-historic origin be returned to the Most Likely Descendant (MLD) for disposition. The determination of the MLD is made by the Native American Heritage Commission and is outside of the purview of the project proponent or the City.

MM 4.5.6.1A, 4.5.6.1B, 4.5.6.1C and 4.5.6.1D requires the project archaeologist to consult with tribes once any archaeological finds are made during construction. Each of these measures have been edited slightly to indicate that the City, after discussion with the project archaeologist and with consultation with tribal groups, is the Lead Agency that must fulfill measures associated with potential impacts to significant cultural resources and/or human remains. Refer to Response to Comment A-3-23 to see revised MM 4.5.6.1A through 4.5.6.1E.

Lastly, since more than one tribe may be involved in that consultation, and may be involved during grading and monitoring, it is not possible to stipulate or determine, as part of this EIR, that the Soboba Band or any other tribe must be designated as the party to which any ceremonial items are returned for disposition.

Letter A-6: United States Fish and Wildlife Service (April 22, 2013)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262



In Reply Refer To:
FWS-WRIV-12B0159-13CPA0091

Mr. Mark Gross
City of Moreno Valley
Community and Economic Development Department
14177 Frederick Street
Moreno Valley, California 92552

APR 22 2013

Subject: Draft Environmental Impact Report, World Logistics Center Project, City of Moreno Valley, Riverside County, California

Dear Mr. Gross:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the World Logistics Center Project (Project) and appreciates the opportunity to comment. The proposed Project is located on 3,820 acres of land in the city of Moreno Valley (City) in Riverside County, south of State Route 60 between Redlands Boulevard and Gilman Springs Road, and is adjacent to the San Jacinto Wildlife Area (SJWA). The proposed Project is a master plan for development of up to 41.6 million square feet of building area for high-cube logistics warehouse distribution facilities. The Project includes a General Plan Amendment, adoption of a Specific Plan, a Zone Change, a Development Agreement, a Tentative Parcel Map, and an annexation.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The Service is providing the following comments in keeping with our agency's mission to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people and the Project's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan.

On June 22, 2004, the Service issued a section 10(a)(1)(B) permit for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. Under the MSHCP, Permittees conduct covered activities consistent with the MSHCP, its associated Implementing Agreement, and section 10(a)(1)(B) permit issued. The City of Moreno Valley is an MSHCP Permittee and the Project is within the MSHCP Plan Area.

Mr. Mark Gross (FWS-WRIV-12B0159-13CAP0091)

2

The proposed Project site and associated infrastructure improvements (i.e., offsite road improvements, debris basins, etc.) are located in MSHCP Criteria Cell Groups T, X, D' and E' of the Reche Canyon/Badlands Area Plan. Project features extend into Existing Core H (Lake Perris State Recreation Area/San Jacinto Wildlife Area) to the south, Proposed Core 3 to the north and east, and are adjacent to Existing Public/Quasi Public Lands to the north and south.

3

We are concerned that riparian/riverine resources within on and off site development areas and impacts to those resources may not be appropriately characterized. We also have questions regarding the Project's focused surveys and proposed mitigation for western burrowing owl (*Athene cunicularia hypugea*, burrowing owl) and Los Angeles pocket mouse (*Perognathus longimembris brevinasus*, LAPM). Additionally we have concerns about potential Project impacts to MSHCP reserve assembly and the potential for the project to degrade existing conservation values on the SJWA. Furthermore, we would like to clarify the Project's obligations under the Migratory Bird Treaty Act. The Service requests revising and recirculating the DEIR to address these issues as discussed below.

4

Reserve Assembly

The Project proposes development within Cell Group X. The proposed Project will not preclude reserve assembly in Cell Group X; however wildlife movement between the badlands and the SJWA may be severely restricted. Please include an analysis of wildlife connectivity across Gilman Springs Road post project in the recirculated DEIR. The analysis should include any road improvements or features to facilitate or accommodate wildlife movement across the road and the efficacy of those measures in the presence of project-related increases in traffic.

5

The southern boundary of the Project is adjacent to Cell Group D' and abuts Existing Public/Quasi Public Lands and Existing Core H. The northern offsite infrastructure improvements will extend into the southern portion of Cell Group T and Proposed Core 3. Development within the Criteria Cells is subject to the Joint Project Review (JPR) process, described in Section 6.6.2 of the MSHCP. The DEIR states that the JPR process will be conducted as project specific development applications are made. We encourage the City to complete MSHCP implementation and do a JPR for the entire Specific Plan during CEQA review. This will eliminate uncertainty for future development proponents in the Specific Plan Area and provide clarity regarding the Project's MSHCP compliance.

6

The SJWA is adjacent to and south of the Project site. The DEIR identifies a 250-foot buffer zone between Project development and the SJWA. We appreciate the inclusion of the buffer area in the Specific Plan, but note that the buffer area includes project features and infrastructure, and seeming contradictory expectations regarding function. The buffer area is to be fenced and planted with trees to segregate the project from the SJWA. Yet the DEIR also states that any LAPM or burrowing owls located during future project development will be translocated to the buffer area. Adverse alterations to drainage pattern alterations, Project related ambient noise, pollutant discharge, lighting, and emissions are all to be mitigated to some degree by the proposed buffer. We request an analysis of the Project activities and impacts with the potential to negatively affect the conservation values on the SJWA and the expected efficacy of the proposed 250 foot buffer at alleviating any negative impacts.

7

Mr. Mark Gross (FWS-WRIV-12B0159-13CAP0091)

3

Riparian/Riverine Resources

The DEIR describes impacts to riparian and/or riverine areas as defined by the MSHCP Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools Policy (Riparian/Riverine Policy, MSHCP section 6.1.2). However, it appears that not all hydrological features within the Project site with characteristics of riparian/riverine resources were considered in the DEIR. Offsite development discussed in the DEIR, Section 3.4.11, includes the construction of four debris basins and one to two water reservoirs. Based on aerial imagery, these Project features appear to have the potential to affect riparian/riverine resources. Riparian/riverine resources include areas that convey water during all or portions of the year even when they do not express water dependent vegetation. We request a revised DEIR which identifies impacts to all hydrologic features covered by the Riparian/Riverine Policy, including those affected by project-related infrastructure outside of the Specific Plan development area.

8

Onsite development plans as depicted in DEIR, Figure 3.18, have potential to impact riparian/riverine resources. According to the DEIR, only Drainage 9 is considered riparian habitat. Drainage features 4, 8, 10, 11, and 12 also appear to be riparian/riverine. According to the Jurisdictional Delineation (Michael Brandman Associates 2012) the drainages have properties which indicate periodic hydrological conveyance. Although the Jurisdictional Delineation stated that the drainages do not have clear connectivity to traditionally navigable waters, these features do have connectivity to the SJWA and its associated hydrological complex, making them subject to the Riparian/Riverine Policy. Furthermore, several of the drainages contain riparian vegetation including mule fat (*Baccharis salicifolia*) and cottonwood (*Populus fremontii*). We request the revised DEIR reassess the hydrologic features on site and discuss the Projects conceptual grading design plans potential to impact riparian/riverine resources.

9

The DEIR states that impacts to riparian/riverine resources are to be mitigated through the preparation of Determinations of Biologically Equivalent or Superior Preservation (DBESPs) as individual projects are approved. As with the JPR process, we encourage the City to implement the Riparian/Riverine Policy and complete MSHCP implementation for the entire Specific Plan area. The DBESP should include an assessment of any impacts from the proposed Project to all hydrologic features covered by the Riparian/Riverine Policy, mitigation for unavoidable impacts to those features and an analysis sufficient to demonstrate that the proposed mitigation would result in preservation equal or superior to an avoidance alternative.

10

The Project requires the construction of debris basins, but the long-term maintenance of the basins was not discussed in the DEIR. Vegetation in that develops in the basins may support nesting birds and other wildlife. If basin maintenance activities are required, we would like to remind the Project applicant that impacts to nesting birds protected under the Federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*), must be avoided. The Service recommends the revised DEIR include a discussion of debris basin maintenance activities, potential impacts resulting from maintenance activities and any measures to avoidance, minimization or mitigate those impacts.

11

Additional Survey and Procedure Needs

Mr. Mark Gross (FWS-WRIV-12B0159-13CAP0091)

4

Burrowing Owl

The proposed Project is located within Additional Survey Needs and Procedure Area for western burrowing owl as described in Section 6.3.2 of the MSHCP. According to the DEIR, habitat assessments and focused burrowing owl surveys were conducted in 2005 (May 10, 20, 23, and August 29); 2007 (May 1, 2, 3, and 4); and 2010 (June 9, 10, 11, and 16). Suitable habitat and small mammal burrows which could be utilized by burrowing owl were recorded throughout the site. In 2005, a single pair of burrowing owls was detected. Mitigation measures 4.4.6.4C commits future development within the Specific Plan Area to preconstruction surveys. We would like to clarify that as part of MSHCP implementation, focused burrowing owl surveys during the nesting season will need to be conducted as part of individual project approvals. We request that measure 4.4.6.4C be revised to require surveys consistent the Burrowing Owl Survey Instructions for the Western Riverside County MSHCP instead of pre-construction surveys. Revised measure 4.4.6.4C should be included in the revised DEIR.

12

Mitigation measure 4.4.6.4D describes procedures for relocating active burrowing owl burrows outside of the breeding season. While the MSHCP does provide for the active translocation of burrowing owls, this activity can only be undertaken when proposed projects affect isolated burrowing owls occupying areas with little or no conservation value. Owls are known from the Project site and given its proximity to existing conservation land it is premature to assume that any owls found onsite can be translocated or evicted. The Service requests that the City and the project proponent work with the California Department of Fish and Wildlife, the Western Riverside County Regional Conservation Authority and us to develop a comprehensive strategy for burrowing owl in the Specific Plan Area. A comprehensive strategy is appropriate given the scale of the proposed Specific Plan if impacts to burrowing owl from build out of the specific Plan are to be mitigated to a level that is biologically equivalent or superior to avoidance, as required by the MSHCP. The comprehensive strategy should be discussed and analyzed in a revised DEIR.

13

Los Angeles Pocket Mouse

The Project site is located within Additional Survey and Procedure Needs for LAPM. Surveys for LAPM were conducted June 27 to July 2, 2010. LAPM were not reported, however, three other species of pocket mice were reported: San Diego pocket mouse (*Chaetodipus fallax fallax*), desert pocket mouse (*Chaetodipus penicillatus*) and long-tailed pocket mouse (*Chaetodipus formosus*). Desert pocket mouse and long-tailed pocket mouse are desert species, not known from western Riverside County or cismontane California, (www.bison.usgs.ornl.gov), and neither have been recorded, trapped or observed in the project vicinity (N. Peterson, CDFW, pers. comm. 2013). (The long-tailed pocket mouse was reported on the project site by same consulting biologist in 2005.) However, the desert pocket mouse resembles the LAPM and the long-tailed pocket mouse resembles the California pocket mouse (*Chaetodipus californicus*), both of which are known from the project vicinity and routinely captured on the SJWA and Lake Perris State Recreation area, immediately south of the proposed project. We request focused LAPM trapping be redone by mammalogists who have familiarity with the local hetromyid (kangaroo rats and pocket mice) fauna. Additionally, the new LAPM survey effort should include trap arrays within the MSHCP LAPM survey area along the northeastern edge of the Specific Plan Area. If the drainage facilities proposed on the north side of Gilman Spring Road are within the LAPM survey area, the infrastructure project areas should be

14

Mr. Mark Gross (FWS-WRIV-12B0159-13CAP0091)

5

trapped as well. We request that survey results and a DBESP for LAPM be included in a revised DEIR.

14

The DEIR included mitigation measure 4.4.6.4E for loss of habitat and Project impacts to LAPM. Mitigation measure 4.4.6.4E provides that if the species is found within the specific survey area, no development shall occur until an appropriate mitigation fee is paid or appropriate amount of land set aside on the project site or off site to compensate for any loss of occupied LAPM habitat.

Alternatively, individuals may be relocated to the 250-foot setback zone along the southern boundary of the property. The area described in this measure is also described for burrowing owl conservation and relocation. The Service requests that the City and the project proponent work with the California Department of Fish and Wildlife, the Western Riverside County Regional Conservation Authority and us to develop a comprehensive strategy for LAPM in the Specific Plan Area. A comprehensive strategy is appropriate given the scale of the proposed Specific Plan if impacts to LAPM from build out of the specific Plan are to be mitigated to a level that is biologically equivalent or superior to avoidance. The comprehensive strategy should be discussed and analyzed in a revised DEIR.

15

Translocation and On-site Conservation Area

As discussed previously, the Service is concerned about the role of the proposed 250-foot buffer area. The DEIR prescribes translocation of listed flora, burrowing owl, LAPM, and calls for the area to serve as a buffer that will act as a sequester zone for project emission, noise, and lighting pollution. It is not appropriate as a receptor site for either LAPM or burrowing owl. It is insufficient in terms of area, spatial configuration, and planned use. Burrowing owls are a species of raptor which prey on small mammals such as the LAPM. Translocation within this narrow, relatively restricted area may exacerbate the existing predator prey relationship between the species and subsequently increase local population depredation frequencies (McKinney et. al. 2006). Furthermore, burrowing owls require large open expanses of sparsely vegetated area to forage and nest. The buffer area is to be planted with trees. Trees offer perch sites to bird eating raptors, such as red-tailed hawks, which eat burrowing owls. We request that a revised DEIR propose comprehensive strategies for Project effects to LAPM and burrowing owl as discussed above.

16

Migratory Birds

The MBTA protects migratory birds, and their nests, eggs, young, and parts from possession, sale, purchase, barter, transport, import, and export, and take. For the purposes of the MBTA, "take" is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, or collect," or attempt to engage in any of the aforementioned activities (50 C.F.R. § 10.12). We appreciate the inclusion of mitigation measures 4.4.6.4A and 4.4.6.4B to avoid effects to nesting birds. However, we request that the words 'special status' be removed from 4.4.6.4B because the MBTA applies to all nesting birds included in the MBTA, (virtually all birds expected in the Project area), not just those with sensitive status. Please note, the Service recommends a 300-foot buffer for non-listed birds and a 500-foot buffer for special status birds and raptor species. We also recommend that a biological monitor be present to monitor the effects of construction on any active nests and to ensure that there is no encroachment into the buffer zone.


17

Mr. Mark Gross (FWS-WRIV-12B0159-13CAP0091)

6

We appreciate the opportunity to comment on the DEIR. If you have questions or comments regarding this letter, please contact Christ Allen of the Service at 760-322-2070, extension 215.

Sincerely,


Kennon A. Corey
Assistant Field Supervisor

Literature Cited:

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McKinney, T., J. C. Devos, W. B. Ballard, and S. R. Boe. 2006. Mountain lion predation of translocated desert bighorn sheep in Arizona, Wildlife Society Bulletin, vol. 34, no. 5, pp. 1255–1263, 2006.

RESPONSES TO LETTER A-6

United States Fish and Wildlife Service (USFWS)

Response to Comment A-6-1. The commenter has accurately described the project examined in the DEIR. Subsequent to circulation of the Draft Environmental Impact Report (DEIR), 100 acres was removed from the World Logistics Center Specific Plan (WLCSP) site which also removes 1 million square feet of logistics development of the proposed project. The revised DEIR document (Final Environmental Impact Report (FEIR) Volume 2) evaluates the impacts of the revised project, which are generally equivalent to those of the project evaluated in the DEIR. These changes will incrementally reduce overall impacts of the WLC project.

Response to Comment A-6-2. The City acknowledges the USFWS' statutory and regulatory responsibilities regarding comments on environmental documents such as the WLCSP EIR.

Response to Comment A-6-3. The USFWS has accurately summarized the approval of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), the fact the City participates in that program, and the MSHCP Criteria Cells located just south of the WLC project site.

Response to Comment A-6-4. These introductory statements provide a summary of the concerns that USFWS has on the Program Level EIR. These statements are further discussed in the following Responses in which they appear in the comment letter: Reserve Assembly (Responses to Comments A-6-5 through A-6-7), Riparian/Riverine Resources (Responses to Comments A-6-8 through A-6-11), Additional Survey and Procedure Needs (Responses to Comments A-6-12 through A-6-15), and Migratory Birds (Response to Comment A-6-17). In addition, comments regarding Translocation and On-site Conservation Area are discussed in (Response to Comment A-6-16), but were not included in the USFWS statement under Comment A-6-4.

Response to Comment A-6-5. The USFWS comments on the restriction of wildlife movement between the badlands and the San Jacinto Wildlife Area (SJWA). Portions of the WLCSP are contained within the western portion of Cell Group X and will not preclude Reserve Assembly within Cell Group X. Wildlife movement between the Badlands and the SJWA within the WLCSP is already 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. Based on current conditions, development of the project site will not likely adversely affect wildlife movement. 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.

Response to Comment A-6-6. The USFWS suggests that the City complete MSHCP implementation and Joint Project Review (JPR) for the entire Specific Plan during CEQA review. An MSHCP Consistency Analysis and a Determination of a Biologically Equivalent or Superior Preservation (DBESP) Analysis have been prepared and are currently in process of being reviewed by the City of Moreno Valley and Riverside Conservation Authority (RCA) as part of the JPR process.

Response to Comment A-6-7. Comments were made about the contradictory uses of the 250-foot buffer zone between project development and the SJWA. The proposed 250-foot buffer area is provided to introduce a significant permanent physical separation between future WLC buildings and the adjacent SJWA property. There is also an additional 150-foot setback from the edge of the 250-foot buffer area to the nearest building. Within the buffer area will be substantial native landscaping, property maintenance accesses, landscaped drainage basins, employee and visitor parking and low-profile fencing to block pedestrian and vehicular access to the SJWA from the project site. The landscape design for this area will emphasize native plants with low water use, compatibility with SJWA, habitat value, and nesting and perching for raptors and other birds. Additionally, landscaping of this area will enhance the aesthetic edge, help to reduce noise and light from entering the SJWA area.

The buffer area will also include berms, detention basins, and spreading basins along the southern boundary of the WLCSP, which will help to mitigate potential drainage impacts, provide for the improvement of the quality of storm water runoff entering the SJWA, and provide the opportunity to create significant riparian/riverine habitat as the project develops. Project drainage will be treated in on-site detention basins before entering large storm drain systems made up of bio-swales, retention basins, open drainage courses and underground piping that work to protect against flooding, maximize the infiltration of runoff, minimize downstream erosion and siltation, and to provide habitat where possible.

The drainage facilities as outlined in the project hydrology study will provide suitable earthen berms for possible burrowing owl usage. Based on numerous years of surveys on the WLCSP, no more than one pair of burrowing owl has ever been observed onsite in any one year. Therefore, relocating one pair of burrowing owl within the 250-foot buffer area is not considered potentially significant. Since no

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Los Angeles pocket mice (LAPM) have been observed within the project site, no LAPM relocation is anticipated in the buffer area.

In regard to the issue of separating development from existing sensitive habitat, note that in addition to the 250-foot on-site buffer proposed by the project, the closest sensitive riparian habitat within the SJWA is approximately 4,000 feet south of the WLCSP project boundary. Even though the SJWA owns the land immediately south of the WLCSP area, there is a 3,000-foot area between the WLCSP and the edge of the disked agricultural fields currently within the SJWA and another 1,000-foot area of non-native grasslands between the disked agricultural fields and the closest sensitive riparian habitat. There is a total of 4,000 linear feet of open-space between the sensitive habitat of the SJWA and the WLCSP project site. It is important to note that the 910-acre area of the SJWA immediately south of the proposed project was purchased by the State of California in 2001 to, among other things, serves as a buffer between the SJWA and future development to the north (the Moreno Highlands Specific Plan). The acquisition of this buffer area created a State-owned 3,000-foot wide separation between the future development and the SJWA at that time. The WLCSP project is not proposing to seek “credit” for these 910 acres nor use it to mitigate any project impacts. However, the fact that this area provides a buffer between the sensitive areas of the SJWA and new development to the north cannot be disputed. It is serving the purpose for which it was purchased. This property is actively disked for agricultural use and there are no active plans to cease that agricultural activity.

Therefore, the 250-foot on-site buffer area will add to existing buffer areas and help to reduce noise, light, water quality, aesthetics, and air quality impacts of the WLCSP project. It will also provide an opportunity to transplant/relocate sensitive plants and/or burrowing owl if observed during project-specific protocol surveys.

This is a programmatic document and project-level impacts are not being analyzed at this time.

Response to Comment A-6-8. The USFWS made comments about riparian and/or riverine areas that were not addressed in the DEIR. The DEIR did not fully address off-site infrastructure impacts to areas that may be considered Riparian/Riverine Areas. A programmatic-level Determination of Biological Equivalent or Superior Preservation (DBESP) has been prepared (FEIR Volume 2 Appendix E-7) documenting all Riparian/Riverine Areas in the WLCSP project area, including all off-site infrastructure elements. Off-site areas that were not fully addressed in the DEIR, but are addressed in the DBESP, include Drainages 15 and a portion of Drainage 8 north of Gilman Springs Road. These areas include only 0.1 acre of Riparian/Riverine Area that was not evaluated in the DEIR.

Response to Comment A-6-9. The commenter states that some drainage features were incorrectly designated as not riparian/riverine habitat in the DEIR. Based on the MSHCP Guidelines (Section 6.1.2), Riparian/Riverine Areas are lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, 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. The intent of the designation of riparian/riverine is to protect drainage features that may not otherwise be protected under the jurisdiction of the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB) and/or California Department of Fish and Wildlife (CDFW). Impacts to these features are still considered potentially significant under the MSHCP, even though they may not meet the minimum criteria to be considered jurisdictional by USACE, RWQCB, and/or CDFW.

Based on the DEIR, a single catch basin and portions of Drainage Features 7 and 9 contain riparian plant species and are considered Riparian/Riverine areas, as designated by the MSHCP. Based on further analysis of the requirements for Riparian/Riverine areas under Section 6.1.2 of the MSHCP, the areas described as Riparian/Riverine have been updated and included in the DBESP (FCS 2013 –MBA FEIR Volume 2, Appendix E-7). The single catch basin, previously identified as a

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Riparian/Riverine Area, is no longer classified as such. As stated in Section 6.1.2 of the MSHCP, "With the exception of wetlands created for the purpose of providing wetlands habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating characteristics as described above which are artificially created are not included in these definitions." Therefore, the artificially created catch basins, which were used to collect cow waste, are no longer considered Riparian/Riverine areas.

Based on the MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1) and a programmatic-level DBESP for potential impacts to Riparian/Riverine Areas (FCS-MBA 2013-FEIR Volume 2 Appendix E-7), all Riparian/Riverine Areas affected by on-site or off-site impacts were documented and included in the updated report.

All identifiable and potentially jurisdictional drainages on the site were mapped and included in the DEIR and the draft wetland delineation. Currently regulatory jurisdiction of the features is based on the existing regulatory guidance including the 1987 Regional Supplement to the USACE Wetland Delineation manual: Arid West Region and Rapanos guidance. Prior to any future development, specific project proposals will have to undergo separate environmental review under California Environmental Quality Act (CEQA) and will be required to secure a formal jurisdictional determination from the USACE as well as jurisdictional determinations from the RWQCB and CDFW.

Any impact to drainage features that are under regulatory agency jurisdiction or are considered riparian/riverine areas under the MSHCP are considered potentially significant and will require compensatory mitigation at a minimum of a 1:1 mitigation ratio through either onsite creation, off-site creation, or purchase of available mitigation credits through an approved mitigation bank.

Response to Comment A-6-10. The USFWS encourages the City to implement the Riparian/Riverine Policy and complete the MSHCP implementation for the entire Specific Plan area. Based on the programmatic-level DBESP for potential impacts to Riparian/Riverine Areas (FCS-MBA 2013-FEIR Volume 2 Appendix E-7), all Riparian/Riverine Areas affected by either on-site or off-site impacts were included as potentially significant impacts and mitigation may include on-site creation within detention basins with drainage spreading structures. Based on the 2013 assessment of the Riparian/Riverine Areas, Drainages 7, 8, 9, 12, and 15 have the potential to be considered Riparian/Riverine Areas. Project-level DBESPs will be required on a project-by-project basis, if Riparian/Riverine Areas are determined to occur within the project footprint.

Response to Comment A-6-11. Comments were made about the lack of discussion in the DEIR on the long-term maintenance of the basins. The WLCSP proposes to create a series of drainage improvements throughout the WLCSP area to treat nuisance-flows and storm run-off before entering into off-site drainage features. The drainage improvements will treat all of the first flush flows and will be used to collect debris and filter water before eventually flowing into a spreading basin. The drainage improvements may be used to mitigate for impacts to drainage features. Vegetation in several of the drainage improvements will be allowed to provide riparian/riverine habitat. Routine maintenance around inlets and outlets will be necessary to maintain the function of the drainage improvements.

Therefore, the following project design features will be required for all drainage improvements. Maintenance activities should completely avoid the nesting season, which is typically from February 1 to August 31. If maintenance activities cannot avoid the nesting season, then a pre-maintenance nesting bird survey will be required within 2 weeks of any maintenance activity. If a nesting bird is present, then all maintenance activities must avoid the active nesting and all areas within 250-feet of the nest. A biological monitor must be present during maintenance activities if an active nest is present within the spreading basins. Maintenance activities may proceed within the 250-buffer only at the discretion of a biological monitor. If vegetation removal is required to maintain the drainage

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

improvements, the impacts should be limited to only necessary vegetation removal. For reference, see MMs 4.4.6.4A through MM 4.4.6.4H. Prior to creating the drainage improvements, a plant palette must be approved by a qualified biologist that is familiar with the local flora. The palette should be similar to those species that commonly occur in the SJWA, so invasive unwanted plant species are not introduced into the SJWA, such as pampas grass, arundo, and fountain grass.

If the drainage improvements are used as compensatory mitigation for impacts to onsite drainage features, these mitigation areas will be considered protected habitat and will likely require a conservation easement and a streambed alteration agreement from the CDFW for maintenance activities.

Response to Comment A-6-12. The USFWS requests that MM 4.4.6.4D be revised to require surveys consistent with the Burrowing Owl Survey Instructions for the Western Riverside County MSHCP instead of pre-construction surveys. MM 4.4.6.4D has been revised to include:

In support of the project-level environmental review, focused/protocol level surveys should be completed by a qualified biologist and submitted to the City for individual development projects. The surveys shall be conducted based on the Burrowing Owl Survey Instructions for the Western Riverside County MSHCP. Based on communications with RCA staff, the Burrowing Owl Survey Instructions have been augmented to reflect the CDFW 2012 staff report for burrowing owls (CDFW 2012). The augment requires focused surveys to be spread-out during the survey season. As currently described in the MSHCP, surveys may be conducted consecutively (see MM 4.4.6.4D).

4.4.6. 4DC ~~Prior to issuance of any grading permits, a~~ A pre-construction clearance survey for burrowing owl shall be ~~prepared~~conducted by a qualified biologist ~~and submitted to the City. This survey shall be required and conducted no more than thirty (30) days prior to initiation of any grading or ground disturbing activities within the project area.~~

In the event no burrowing owls are observed within the limits of ground disturbance, no further mitigation is required.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study disturbance area during the 30-day pre-construction survey, ~~consultation with the CDFW and USFWS shall take place and no construction activity shall take place within maintain a 500-foot of an-foot buffer area around any active nest/burrow until it has been determined that the nest/burrow burrow is no longer active, and all juveniles have fledged the nest/burrow. If this avoidance buffer cannot be maintained, consultation with the California Department of Fish and Wildlife (CDFW) shall take place and an appropriate avoidance distance established.~~ No disturbance to active burrows shall occur without appropriate permitting through the ~~MBTA~~Migratory Bird Treaty Act and/or ~~CDFW~~California Department of Fish and Wildlife.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation with the ~~CDFW and USFWS~~California Department of Fish and Wildlife. A relocation plan may be required by California Department of Fish and Wildlife if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provides options for avoidance and mitigation. Artificial burrows may be constructed within the buffer area south of the World Logistics Center Specific Plan. Construction activity may occur within 500 feet of the ~~active nests~~burrows at the discretion of the biological monitor in consultation with CDFW.

If active nests are identified in a development area, the nests shall be avoided or the owls actively or passively relocated to the 250-foot setback area in the southern portion of the Specific Plan site (see Mitigation Measure 4.4.6.1A). This setback area shall be considered a “conservation area” for burrowing owl or other species of animals or plants that need to be relocated from the portions of the WLCSP site to be developed. In the event no burrowing owls have been identified within the limits of ground disturbance, no further mitigation is required. In the event burrowing owls are identified within the limits of ground disturbance, Mitigation Measure 4.4.6.4D shall apply. To avoid active nests adequately, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31) and 160 feet during the non-breeding season. This measure shall be implemented to the satisfaction of the City Planning Division.

- 4.4.6.4D** — If active burrowing owl burrows are detected outside the breeding season, passive and/or active relocation may be undertaken following consultation with and approval by the CDFW and/or USFWS. The installation of one way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and back filled to ensure that animals do not re enter the holes/dens. Owls may also be actively relocated on site to the 250-foot clear buffer zone along the southern boundary of the WLCSP, as outlined in Mitigation Measure 4.4.6.1A. This measure shall be implemented to the satisfaction of the City Planning Division.

A relocation plan may be required by California Department of Fish and Wildlife if active or passive relocation is necessary. Artificial burrows may be constructed within appropriate burrowing owl habitat within the proposed open space/conservation area (Planning Area 30), a 74.3-acre area in the southwest portion of the Specific Plan. This area abuts the Lake Perris State Recreation Area (LPSRA) which is already in conservation. 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. Construction activity may occur within 500 feet of the burrows at the discretion of the biological monitor

A relocation plan may be required by California Department of Fish and Wildlife if active or passive relocation is necessary. Artificial burrows may be constructed within appropriate burrowing owl habitat within the proposed open space/conservation area (Planning Area 30), a 74.3-acre area in the southwest portion of the Specific Plan. This area abuts the Lake Perris State Recreation Area (LPSRA) which is already in conservation. 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. Construction activity may occur within 500 feet of the burrows at the discretion of the biological monitor.

In the event no burrowing owls are observed within the limits of ground disturbance, no further mitigation is required. In the event burrowing owls are identified within the limits of ground disturbance, the following has been added to MM 4.4.6.4D to clarify burrowing owl relocation efforts:

A relocation plan may be required by California Department of Fish and Wildlife if active or passive relocation is necessary. Artificial burrows may be constructed within appropriate burrowing owl habitat within the proposed open space/conservation area (Planning Area 30), a 74.3-acre area in the southwest portion of the Specific Plan. This area abuts the Lake Perris State Recreation Area (LPSRA) which is already in conservation. 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-areas. Construction activity may occur within 500 feet of the burrows at the discretion of the biological monitor.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment A-6-13. The USFWS requests that the City and project proponent work with the CDFW, the Western Riverside County Resource Conservation Authority (RCA) and themselves to develop a comprehensive strategy for burrowing owl in the Specific Plan area. Protocol surveys for burrowing owl were conducted in 2005, 2007, 2010, and 2013 on all or portions of the WLCSP. In the eight years of conducting surveys on the WLCSP, no more than a single pair of burrowing owls has ever been observed within the WLCSP in any one year and in some years, no burrowing owl were observed. The WLCSP does not provide sufficient habitat to support a large population of burrowing owls, nor is it likely to provide suitable habitat in the foreseeable future. Since there has been no recorded occurrences of burrowing owl in the 250-foot buffer area, the passive relocation of a single pair or even a few pair of burrowing owls to this area will not affect existing burrowing owl and a comprehensive strategy is not necessary.

Per MSHCP requirements (MSHCP Section 6.3.2), a comprehensive strategy would be appropriate if more than three pairs of burrowing owl were consistently observed within the WLCSP during the previous burrowing owl surveys, but, this is not the case within the WLCSP area. Based on MSHCP guidelines, each project within the WLCSP will be required to conduct project-level surveys and based on the findings, will develop a strategy to handle burrowing owl issues on a project-level basis.

It should be noted that final construction of the 250-foot buffer area might not be completed when burrowing owl relocation may be necessary on a project-level basis. Relocation of burrowing owls to the 250-foot buffer area may be completed with the construction of temporary burrows. These burrows will be designed to coincide with construction progress. For instance, owls can be relocated to areas that will be constructed last, so they can remain in the same location for as long as possible. Once the preliminary phase of the buffer area has started, more permanent burrowing owl burrows can be constructed for long-term relocation.

Response to Comment A-6-14. The USFWS requests that focused LAPM trapping be redone by mammalogists who have familiarity with the local hetromyid fauna. Protocol level surveys were conducted by FCS biologist Kelly Rios, who has approximately 20 years of experience trapping mammal species throughout southern California. Protocol surveys were conducted in 2013 in all areas of the WLCSP and off-site infrastructure areas that contain suitable habitat for LAPM. During the trapping effort, field measurements were taken for each of the individual species captured and identification was verified by Philip Verne, another highly experienced mammalogist that has worked closely with Kelly on several projects. The 2013 survey report is included as an appendix in the MSHCP Consistency Analysis (FCS-MBA 2013). Based on the findings in the report, the following species were identified: deer mouse (*Perognathus maniculatus*), desert pocket mouse (*Chaetodipus penicillatus*), Northwestern San Diego pocket mouse (*Chaetodipus fallax*), Western harvest mouse (*Reithrodontomys megalotis*), and desert woodrat (*Neotoma lepida*). All of the small mammals captured during the 2013 trapping effort were much larger than the Los Angeles pocket mouse. LAPM is considered absent from the project site and a DBESP is not required.

Response to Comment A-6-15. The USFWS requests that the City and project proponent work with the CDFW, the RCA and themselves to develop a comprehensive strategy for LAPM in the Specific Plan area. Protocol surveys for LAPM were conducted in 2005, 2010, and 2013 within suitable habitat of the WLCSP. In all the years of conducting surveys on the WLCSP, no LAPM have ever been observed within the WLCSP. This shows sufficient evidence that the WLCSP does not provide sufficient habitat to support LAPM, nor is it likely to provide suitable habitat in the foreseeable future. Since there has been no recorded occurrences of LAPM in the northern portion of the SJWA, then the relocation of any individuals to the 250-foot buffer area will not affect LAPM in the northern portion of the SJWA, and a comprehensive strategy is not necessary. A comprehensive strategy would be appropriate if several LAPM were consistently observed within the WLCSP during the previous LAPM surveys. However, based on MSHCP guidelines, each project within the WLCSP will still be required

to complete protocol-level surveys for LAPM if they contain suitable habitat and based on the findings, will develop a strategy to handle LAPM issues on a project-level basis.

If LAPM was observed within the project site, 90% of the suitable habitat within the WLCSP will be required for conservation until the conservation goals for this species has been met. If more than 90 percent of the suitable habitat onsite cannot be avoided, a DBESP will be required for impacts to LAPM. The DBESP will include all mitigation measures required to provide biologically equivalent or superior preservation of the species.

Response to Comment A-6-16. Comments were made about the insufficiencies of the 250-foot buffer area as a receptor site for either LAPM or burrowing owl. The 250-foot buffer area will be designed as a transition area from the proposed development area to the SJWA. The 250-foot buffer area will have landscape vegetation and a barrier fence to prohibit access to SJWA by the public. The buffer area will help to reduce potentially significant impacts associated with air quality, lighting, noise, and aesthetics. Based on the MSHCP Guidelines (MSHCP Section 6.3.2), impacts to burrowing owl and LAPM, are not considered significant and, therefore, the buffer area does not require design features specifically for those species. However, as a project design feature, the detention and spreading basins will be designed to provide suitable riverine/riparian habitat for LAPM. This area could be used to relocate LAPM, if at some point in the future, LAPM are discovered within the WLCSP. However, at this time, this species is considered absent and mitigation is not required. The proposed project buildout could take as long as 15 years. Although it cannot completely be ruled out, the possibility LAPM could occur within selective portions of the WLCSP in the future, the applicant is preparing the WLCSP to deal with all potential issues on a long-term basis. The majority of the LAPM suitable habitat within the WLCSP is located within Drainage 9 and portions will be enhanced to provide higher quality riparian/riverine habitat. In the event that LAPM are discovered during project-level focused surveys, a DBESP for impacts to LAPM will be required and more detailed mitigation program will be prepared.

Based on the MSHCP, impacts to a single pair of burrowing owls within project sites that are not within cell criteria areas can passively relocate burrowing owls to an off-site location prior to construction with no additional mitigation requirements. The southern portion of the WLCSP makes for an ideal location for burrowing owl because the large expansive unoccupied burrowing owl habitat that occurs within the SJWA. The closest recorded occurrence of burrowing owl is well over 6,000 linear feet away, which will provide more than sufficient foraging area for a relocated pair of burrowing owl. In the event that more than three pairs of burrowing owls are observed within a single project site during project specific focused surveys, additional mitigation measures will be required. The project applicant will need to consult with the City along with the RCA to develop a comprehensive strategy to mitigate for the loss of more than three pair of burrowing owl. The strategy will require a more detailed design of the 250-buffer area to address design features that would benefit burrowing owl, such as artificial burrow creation and spacing, perch creation, minimizing vegetation growth, providing suitable foraging habitat, and reduce predators.

Red-tailed hawks, burrowing owl, and LAPM are part of the natural food-chain that occurs in general region. Based on current surveys, no LAPM occur within the WLCSP. However, there are red-tailed hawk and burrowing owl. One of the goals of the 250-foot conservation area is to provide more suitable habitat for burrowing owl. The improvements within the 250-foot buffer are intended to provide higher-quality burrowing owl habitat and any increase in predation as a result of an increased burrowing owl population is not considered a significant project related impact and does not require mitigation.

Response to Comment A-6-17. The USFWS requests that the words special status be removed from MM 4.4.6.4B. The mitigation measure below has been revised.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Migratory/Nesting Birds

- 4.4.6.4B** If it is determined that project-related grading or construction will affect ~~special-status~~ 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.

B. LETTERS FROM STATE AGENCIES

**Letter B-1: State of California Governor's Office of Planning and Research,
State Clearinghouse and Planning Unit (March 25, 2013)**



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

March 25, 2013

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**CITY OF MORENO VALLEY
Planning Division**

Mark Gross
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center (General Plan Amendment, Change of Zone, new Specific Plan, Tentative Parcel Map (Finance Map), Development Agreement, and annexation of
SCH#: 2012021045

Dear Mark Gross:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 21, 2013, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report State Clearinghouse Data Base

SCH# 2012021045
Project Title World Logistics Center (General Plan Amendment, Change of Zone, new Specific Plan, Tentative
Lead Agency Parcel Map (Finance Map); Development Agreement, and annexation of
 Moreno Valley, City of

Type EIR Draft EIR

Description 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.

Lead Agency Contact

Name Mark Gross
Agency City of Moreno Valley
Phone 951 413 3215 **Fax**
email
Address 14177 Frederick Street
City Moreno Valley **State** CA **Zip** 92552

Project Location

County Riverside
City Moreno Valley
Region
Lat / Long 33° 55' N / 117° 8' W
Cross Streets Redlands Boulevard and Eucalyptus Avenue
Parcel No. 477-090 et al
Township 3S **Range** 3W **Section** 6-9 **Base** SBB&M

Proximity to:

Highways Hwy 60
Airports
Railways
Waterways
Schools
Land Use Vacant agricultural land approved for the Moreno Highlands Specific Plan, a mixed use residential planned community.

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

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

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

Document Details Report
State Clearinghouse Data Base

Date Received 02/05/2013 *Start of Review* 02/05/2013 *End of Review* 03/21/2013

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

RESPONSES TO LETTER B-1

State of California Office of Planning and Research, State Clearinghouse and Planning Unit

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

Letter B-2: California Department of Transportation District 8 (April 5, 2013)

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) 383-6890

TTY (909) 383-6300



*Flex your power!
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Letter B-2**RECEIVED****APR 09 2013**

CITY OF MORENO VALLEY
Planning Division

April 5, 2013

John Terell
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Review of Traffic Impact Analysis for the World Logistic Center Riv-60-PM 21.38

Dear Mr. Terell,

We have completed our review for the noted project which is located south of State Route 60 (SR-60) between Redlands Boulevard and Gilman Springs Road extending to the southerly City boundary of Moreno Valley. The project is a proposed Master Plan for the future development of up to 41.6 million square feet of building area providing for modern high-cube logistics warehouse distribution facilities.

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

We have the following concerns regarding the Traffic Impact Study:

Traffic Study

- Table 1: Other Development Project Assumed to be Completed by 2017 (page 8) – Please include a column that shows the area in square feet of residential usages. 2
- Table 17: Existing Freeway Ramp Level of Service (page 56) – At the segment of SR-60 EB Off-Ramp to Redlands Blvd, the AM peak hour volume is 119 vph whereas Figure 7 on page 30 shows 207 vph and the PM peak hour volume is 30 vph whereas Figure 7 shows 434 vph. Please verify. 3
- Figure 30: Turning Movement Volumes under Existing Plus Project Conditions (B) – At Intersection #30, the PM Peak hour volume is missing. 4

Mr. Terrell
 April 3, 2013
 Page 2

- Figure 30: Turning Movement Volumes under Existing Plus Project Conditions (B) – AT Intersection #15 and #16, why is the lane configuration different than that shown on Figure 7 on page 30? 5
- Figure 30: Turning Movement Volumes under Existing Plus Project Conditions (B) – Why are the following traffic volumes for Existing Plus Project Conditions less than the existing condition volumes shown on Figure 7? 6
 - Intersection #67, SBL PM volume is 230 vph whereas Existing shown 410 vph.
 - Intersection #68m WBR PM volume is 0 whereas Existing shown 234 vph.
 - Intersection #72, SBR PM volume is 0 whereas Existing show 44 vph.
 - Intersection #77, SBR AM/PM volumes are 0/0 whereas Existing shows 46/90 vph.
- Figure 30: Turning Movement Volumes under Existing Plus Project Conditions (B) – At Intersection #77, why are there two volumes for the EBT AM/PM volumes, 30/20 and 10/10 vph? 7
- Figure 32: Turning Movement Volumes under 2017 Plus Project Conditions (B) – Why is the SBL AM traffic volumes (250 vph) less than for Existing Plus Project Conditions (340 vph)? 8
- Table 28: Existing Plus Project Freeway Mainline LOS (page 113) – Why are the following traffic volumes for Existing Plus Project Conditions less than the Existing Conditions volumes? 9
 - ID #36, Gilman Springs Road to Jack Rabbit Trail, Existing Plus Project volume is 980 whereas No Project shows 1002 vph.
 - ID #37, Jack Rabbit Trail to I-10/Potrero Blvd, Existing Plus Project volumes is 980 whereas No Project shows 1002 vph.
 - ID #38, Potrero Blvd. to I-10, Existing Plus Project volumes is 980 whereas No Project shows 1002 vph.
- Please check the Turning Movement Volumes for all scenarios and revise the calculations, Figures, and Tables, where needed. 10
- Table 14: Existing Conditions LOS at Study Intersections – The LOS at Intersection #13 do not match with the data shown in Appendix B. 11
- For all unsignalized intersections, please use HCS software to calculate the LOS. 12
- Freeway Direct Impacts from 358, Table 43: 2017 Plus Project Freeway Mainline Impacts and Mitigations, and Table 57: 2022 Plus Project Freeway Mainline Impacts and Mitigations. 13
 - It is estimated that if World Logistic Center (WLC) is completely built out, the project will pay nearly \$72 million in Riverside County Transportation Uniform Mitigation Fee (TUMF) fees (page 346). It is also estimated that the WLC could potentially pay \$41 million in City of Moreno Valley's Development Impact Fees (DIF).

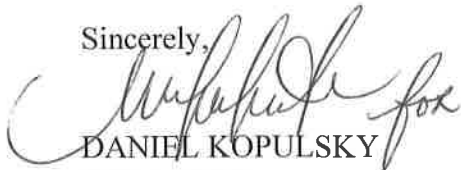
Mr. Terrell
April 3, 2013
Page 3

- It is recommended that a system of coordinating these fees with a state sponsored program of collecting transportation mitigation fees from development projects be developed to implement the necessary improvements and mitigation measures on the State Highway System as outlined in Table 43 and Table 57.

14

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/IGR-CEQA

RESPONSES TO LETTER B-2

California Department of Transportation (Caltrans) District 8

Note to Commenter: The Traffic Impact Assessment (TIA) has been revised and can be found in Final Environmental Impact Report (FEIR) Volume 2 Appendix L-1. The responses below reference the revised TIA.

Response to Comment B-2-1. The City acknowledges Caltrans' statutory and regulatory responsibilities regarding comments on environmental documents such as the World Logistics Center Specific Plan (WLCSP) EIR. It should be noted the Specific Plan area has been reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet down 2.4 percent from the original 41.6 million square feet.

Response to Comment B-2-2. The commenter requested that a column showing the floor area of residential uses be added to Table 1 in the TIA (Other Development Projects Assumed to be Completed by 2017). This table has been renamed as "Other Development Projects Assumed to be Completed by 2022 in the revised TIA prepared for this EIR (FEIR Volume 2 Appendix L-1).

Most jurisdictions measure residential developments in terms of dwelling units and non-residential developments in terms of floor area. Even projects that are in a relatively advanced stage of development (i.e. already passed the EIR stage and already received some level of development approval) may have residential lots where the floor space of the individual units is not yet known. Moreover, since the trip generation rates are calculated based on the number of dwelling units or households, not residential floor space, the specific square footage of dwelling units has no bearing on the traffic analysis.

Response to Comment B-2-3. The commenter noted an inconsistency between Table 17 and Figure 7 in the Traffic Impact Assessment (TIA) for the SR-60 eastbound TIA prepared for this EIR (FEIR Volume 2 Appendix L-1).

Ramp volumes inconsistencies have been corrected in the revised TIA. Note that even with the corrected/higher set of volumes, the Level of Service (LOS) for both the freeway and the east bound (EB) ramp intersection would be very good (LOS "A" or "B").

Response to Comment B-2-4. The commenter noted that one of the turning movement volumes at Intersection 30 was omitted from Figure 30 in the TIA.

The PM peak-hour volume for the WB left-turn movement that was accidentally omitted from the figure has been added and corrected in the revised TIA.

Response to Comment B-2-5. The commenter inquired about the inconsistency in the lane configurations at Intersections 15 and 16 as shown in Figures 7 and 30 in the TIA.

For the Plus Project scenarios it was assumed that the Theodore/SR-60 Interchange would be upgraded and re-configured, which would result in a different lane configuration at these two intersections. That configuration was shown in Figure 25 in the TIA.

Response to Comment B-2-6. The commenter inquired as to why Existing Plus Project volumes in TIA Figure 30 are lower than Existing volumes in TIA Figure 7 at four intersections.

For the four identified intersections (IN-67, IN-68, IN-72, and IN-77) the correct volumes were analyzed but were not shown properly on the graphics. TIA Figures 7 and 30 have been revised to show the volumes that were analyzed in the study.

Response to Comment B-2-7. The commenter inquired as to why TIA Figure 30 seems to show two east-bound through volumes for Intersection #77.

The traffic volume figures are shown in sets of three for each approach. For east-bound approaches the top numbers represent right-turns. TIA Figure 30 has been corrected in the revised TIA.

Response to Comment B-2-8. The commenter inquired as to why 2017 Plus Project Conditions traffic volumes in TIA Figure 32 are less than Existing Plus Project Conditions traffic volumes in TIA Figure 30.

The Existing Plus Project scenario assumed the full build-out of the project while the 2017 scenario assumed that only Phase 1 of the project was completed. Text in the TIA has been clarified so these scenarios are identified as “Full Build-out” or “Phase 1 (only).” The Existing Plus Project Scenario, while included in the TIA, is not intended to represent a sequential condition with the other scenarios that were analyzed.

Response to Comment B-2-9. The commenter inquired as to why Existing Plus Project volumes are lower than Existing volumes at certain freeway locations.

Traffic models, including the RIVTAM model, match trip origins to trip destinations according to algorithms that reflect actual travel behavior as measured in surveys. In this case the model is reflecting the fact that some people who currently live west of the WLC site and travel east towards Beaumont to work in the morning will instead take advantage of the opportunity have a shorter commute by working at the WLC instead. This would result in a small decrease in EB traffic on this portion of SR-60 in the morning and a similar decrease in WB traffic in the evening. This is an effect that policies promoting better jobs-housing balances are designed to achieve. Please refer to TIA Chapter 4, Section D, sub-section on WLC Auto Traffic.

Response to Comment B-2-10. The commenter requested all calculations be checked and revised where needed.

Checks for all calculations have been conducted and changes made where appropriate.

Response to Comment B-2-11. The commenter inquired as to why in TIA Table 14, the LOS for Intersection #13 did not match the one shown in Appendix B.

In accordance with *Highway Capacity Manual* methodology for unsignalized intersections Table 14 reports the result for the worst-performing approach. For Intersection #13 the worst-performing approach is the EB approach in the AM peak hour and the west bound (WB) approach in the PM peak hour. The results shown in Table 14 are consistent with Appendix B for these approaches.

Response to Comment B-2-12. The commenter requested that Highway Capacity Software (HCS) be used to determine the LOS for unsignalized intersections rather than Synchro. Synchro is the software package approved by the City for use in analyzing intersections in the project TIA. Synchro incorporates the HCM methodology as required in Caltrans Guide for the Preparation of Traffic Impact Studies, as does HCS software. The two models were compared and the comparison found that the results of the models were nearly identical, except for the fact that HCS truncates fractional numbers while Synchro rounds them. In other words, HCS would change “23.8” into “23” while

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Synchro would change it to “24.” Therefore, Synchro model is slightly more conservative (as it may add a vehicle to some movements).

Response to Comment B-2-13. The commenter notes that the WLC will pay nearly \$72 million (M) in TUMF fees and \$41M in DIF fees. Per the TUMF calculation handbook the Total TUMF fees are estimated at \$34M.

Response to Comment B-2-14. The commenter requests the City coordinate TUMF fees with a State-sponsored program to pay for necessary improvements. Please refer to Mitigation Measure (MM) 4.15.7.4E in FEIR Volume 2 (as well as MM Trans-5 in TIA Chapter 11, Section G (FEIR Volume 2 Appendix L). MM 4.15.7.4E, as revised in the FEIR, requires that the developer pay its fair share of the cost of constructing the traffic improvements required to mitigate the project's traffic impacts, identified in EIR Tables 4.15.AT through 4.15.AY, for intersections and road segments (including freeway ramp intersections with local arterials) outside of the City's jurisdiction (i.e., under the jurisdiction of other cities, the County and Caltrans) in order to mitigate the identified programmatic impacts to less than significant levels. The fair share payment requirement shall be imposed as a condition of plot plan approval for each building within the project, and no certificate of occupancy for a building within the project shall be issued until the fair share payment for that building has been paid.

Letter B-3: California Department of Fish and Wildlife (April 8, 2013)



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.wildlife.ca.gov

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



Letter B-3

April 8, 2013

Mr. Mark Gross
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Subject: Draft Environmental Impact Report
World Logistics Center Project
State Clearinghouse No. 2012021045

Dear Mr. Gross:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the World Logistics Center Project (Project) [State Clearinghouse No. 2012021045]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

1

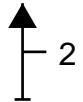
Project Description and Geographic Setting

The Project is located within the City of Moreno Valley (City) and is bounded by State Route 60 (SR-60) to the north, Redlands Boulevard to the west, Gilman Springs Road to the east, and the San Jacinto Wildlife Area to the south. The Project involves a General Plan Amendment, new Specific Plan, Change of Zone, and Tentative Parcel Map. The Project proposes 2,635 acres of logistics land uses including up to 41.4 million square feet of high-cube logistics uses and 200,000 square feet of warehouse and related uses.

2

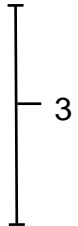
The 2,635 acre Project site is situated directly north of the approximately 20,000-acre San Jacinto Wildlife Area (SJWA) and 8,800-acres Lake Perris State Recreational Area. The Project is bordered to the north and east by the San Timoteo Badlands, which includes Regional Conservation Authorities (RCA) Multiple Species Habitat Conservation Plan (MSHCP) Badlands Plan Area

Proposed Core 3 and Norton Younglove Reserve. Several MSHCP proposed or existing linkages are associated with the SJWA and Proposed Core 3.

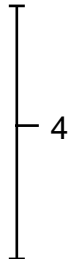


Biological Resources and Impacts

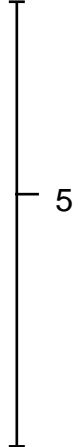
The CEQA document should contain sufficient, specific, and current biological information on the existing habitat and species at the Project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters. The CEQA document should not defer impact analysis and mitigation measures to future regulatory discretionary actions.



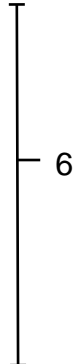
If sensitive species have the potential to occur on the Project site, species-specific surveys should be conducted using methods approved by the Department, or the CEQA document should assume the presence of the species throughout the project site. Surveys should be conducted within 12 months of circulation of the CEQA document. To assist with review, an accompanying map detailing the location of sensitive species or sensitive species habitat should also be included in the subsequent CEQA document.



The Department submitted a comment letter on the Notice of Preparation (NOP) for the DEIR on March 22, 2012. In this letter the Department recommended that the Project applicant and/or lead agency consult with the Department and land management staff from the SJWA for assistance with species occurrence information within the vicinity of the Project site, and for assistance with avoidance, minimization, and mitigation measures. Based on the Department's review of the DEIR, the biological resources section does not provide an accurate account of the species that may be affected by the Project. The Department has identified that key species were excluded from the assessment and that others were documented as having limited to no suitable habitat. The Department recommends that the DEIR be revised following consultation with Department staff.



Current biological survey data (collected between 2006 and 2013), provided by the MSHCP, documents numerous detections of species that were represented in the DEIR as being absent from the Project area or having a low potential to occur onsite due to lack of suitable habitat. Furthermore, most of the data presented in the DEIR was sourced from the California Natural Diversity Database (CNDDDB) and supplemented with incidental sightings documented during species-specific surveys. As previously recommended in the Department's NOP comment letter (March 22, 2012), the Project applicant and/or lead agency should consult with the Department to obtain species information and discuss potential Project impacts.



The DEIR does not provide a complete or accurate assessment of raptor species that use the Project site. Evaluations on the potential impacts to State fully protected Bald Eagle (*Haliaeetus leucocephalus*) and Golden Eagle (*Aquila chrysaetos*) were not conducted, despite documentation of both species occurring onsite or directly adjacent to the Project site (MSHCP 2008, 2011). The DEIR states that the American Peregrine Falcon (*Falco peregrinus anatum*), a State fully protected species, has a low potential to occur onsite, and further elaborates that they have not been recorded within 7 miles of the Project site (CNDDDB 2012). This information is incorrect: biological surveys conducted by the MSHCP have detected the species four times within the Project area.

7

Several State Species of Special Concern were analyzed in the DEIR for their potential to occur within the World Logistics Center Specific Plan (WLCSP) area. The DEIR states that the Ferruginous Hawk (*Buteo regalis*), White-tailed Kite (*Elanus leucurus*), Merlin (*Falco columbarius*), Prairie Falcon (*Falco mexicanus*), and Peregrine Falcon, have only a low potential to occur onsite. Furthermore, the DEIR states that all of these species, with the exception of the Ferruginous Hawk, had not been recorded within 7 miles of the Project site (CNDDDB 2012). Contrary to the information included in the DEIR, MSHCP biologists have detected all of the aforementioned species, and the Tricolored Blackbird (*Agelaius tricolor*), another State Species of Special Concern, either within or adjacent to the WLCSP (MSHCP 2006-2012). Detections by MSHCP include: Ferruginous Hawk ($n = 22$ detections), White-tailed Kite ($n = 14$), Merlin ($n = 3$), Prairie Falcon ($n = 6$), and Peregrine Falcon ($n = 4$).

8

The DEIR recognizes only "marginally suitable" foraging habitat for Loggerhead Shrike (*Lanius ludovicianus*), California Horned Lark (*Eremophila alpestris actia*), Ferruginous Hawk, Merlin, Prairie Falcon, and Burrowing Owl (*Athene cunicularia* [BUOW]). However, based solely on the diversity of species found utilizing the Project area (recorded from biological surveys conducted by the MSHCP, and observations by SJWA land management staff) the habitat is not marginal. The biological resources section does not provide an accurate account of the species that have been documented on the site, or the quality of the habitat that will be impacted by the project. The Department recommends the Project applicant and/or lead agency consult with the Department to accurately identify species occurrences in the vicinity of the Project site, assess the quality of the foraging habitat, and identify avoidance, minimization, and mitigation measures. The Department recommends the DEIR be revised following consultation with Department staff.

9

The DEIR states that State-threatened Stephens' kangaroo rat (*Dipodomys stephensi*) has a low to moderate potential to occur within the World Logistics Center Planning Area, although the "species may range through the general area." The document also claims that there is limited suitable habitat for San Diego jackrabbit (*Lepus californicus bennettii*) and Los Angeles pocket mouse

10

(*Perognathus longimembris brevinasus* [LAPM]), both State Species of Special Concern. However, surveys by the MSHCP detected two (2) San Diego jackrabbit (within 400 meters and 800 meters of the Project area), and multiple Stephens' kangaroo rat (SKR) within 250 meters of the Project area boundary.

10

The Department is concerned with the results of the focused surveys for Los Angeles pocket mouse included in the DEIR. Specifically, the survey results document the capture of two (2) long-tailed pocket mice (*Chaetodipus formosus*) in 2005, and four (4) in 2010; and 87 desert pocket mice (*Chaetodipus penicillatus*) in 2010. The Department questions the accuracy of the identifications as these occurrences are outside of the documented distribution range for these species, and neither species have been trapped by MSHCP biologists who perform regular small mammal trapping surveys within the general area. Because the Department has considerable concern regarding the accuracy of these identifications, the Department requests that new surveys be conducted under the supervision of trained small-mammal biologists.

11

The CEQA document analyzed the potential for California Native Plant Society (CNPS) listed plant species to occur onsite. The DEIR states that no evidence of any CNPS-listed plant species was found onsite, and also concluded that no suitable habitat for CNPS-listed plant species occurs within the Project area. These findings are in contrast to biological surveys performed by the MSHCP that have verified the presence of an individual Coulter's goldfield (*Lasthenia glabrata coulteri*) immediately south of the Project, and much less than the stated 2-mile distance.

12

Foraging habitat

In the Department's opinion, the DEIR has underestimated the relative level of impacts to foraging habitat associated with development of the Project. The Department is also of the opinion that the value of foraging habitat within the Project area has been grossly underestimated. The DEIR states that there is, "marginal foraging habitat for some raptor species" and that "an adverse but not significant impact to raptor foraging habitat is anticipated." As stated previously, the following species have been documented on or adjacent to the Project area: Bald Eagle, Golden Eagle, Osprey, White-tailed Kite, Ferruginous Hawk, Peregrine Falcon, Prairie Falcon, BUOW, Merlin, Barn Owl, Short-eared Owl, Red-shouldered Hawk, and American Kestrel. The diversity of raptor species documented to use the WLCSP area provides abundant evidence of the local and potential regional value of the site as foraging habitat. The Department strongly recommends that the DEIR be revised to include results of additional studies, and that the Lead Agency consult with the MSHCP and land managers at the SJWA, Mystic Lake, and Lake Perris, to identify and assess potential impacts to species and habitats that may have been excluded in prior

13

assessments. The revised DEIR should also identify appropriate mitigation measures to offset the loss of foraging habitat.

13

The DEIR states that Mitigation Measure 4.2.6.1A *"will help maintain raptor and other bird foraging until the WLCSP property is developed."* Additionally, the DEIR anticipates that *"the State would maintain its [CDFW Conservation Buffer Area] function as a buffer and also as foraging habitat for raptors..."* Aside from the temporary measure listed above, and a reliance on the State-owned wildlife area to provide for and maintain raptor foraging habitat, the DEIR fails to propose mitigation measures to offset the permanent loss of foraging habitat. The State-owned SJWA open space areas cannot be used to mitigate the permanent loss of foraging habitat resulting from development of the proposed Project. The revised DEIR should clearly identify impacts to foraging habitat and provide an appropriate mitigation plan to offset the losses.

14

Natural Community Conservation Program (NCCP)

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

15

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the MSHCP please go to:
<http://www.rctlma.org/mshcp/>.

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. To be considered a covered activity, Permittees must demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement. The City of Moreno Valley is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. The Project is located in subgroups D and X of the Reche Canyon/Badlands Plan Area of the MSHCP.

If the project is not processed through the MSHCP for covered species, then the project is subject to the Federal Endangered Species Act (FESA) and/or CESA for threatened, endangered, and/or candidate species. A CESA Incidental Take Permit (ITP) must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. The Department's CESA ITP states that a project must fully minimize and mitigate impacts to State-listed resources.

16

Impacts to Waters of the State

Although the proposed Project is within the MSHCP, a Notification of Lake or Streambed Alteration is still required by the Department, should the site contain jurisdictional waters. Additionally, the Department's criteria for determining the presence of jurisdictional waters are more comprehensive than the MSHCP criteria in Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools). The Department is responsible for assessing and evaluating impacts to jurisdictional waters, which is typically accomplished through reviewing jurisdictional delineation (JD) reports, supporting information, and conducting site visits.

A JD was included with the DEIR. The Department has reviewed the JD and strongly disagrees with the jurisdictional findings and the jurisdictional conclusion. Of the 14 drainage features identified in the DEIR, only isolated portions of two (2) drainages were considered to be jurisdiction of the State. According to the JD, the remaining portions of these drainages, and the other 12 features onsite, were not considered jurisdiction of the State, *"because the drainage is ephemeral, unvegetated, provides no cover, and does not appear to [appear to] provide habitat linkage or other benefits to wildlife resources...."* The JD also includes other assumptions of non-jurisdiction, including a lack of *"streambed or any other characteristic that would otherwise define it as CDFG jurisdictional waters"* and the absence of fish and wildlife resources. A non-jurisdictional determination based on any of the characteristics stated above is incorrect. The California Water Code (CWC) defines *Waters of the State* as *"...any surface water or groundwater, including saline waters, within the boundaries of the state."* The definition places no limitations on duration of stream flow, amount or type of vegetation, ability to provide cover, existence of connectivity to any other waterway or habitat area, or perceived lack of benefits to wildlife. The Department requests that the JD be revised using the CWC definition of Waters of the State and submitted to the Department for review. The Department recommends that the JD incorporate the drainages identified in the Hydrology and Water Quality section of the DEIR.

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The Department opposes the elimination of ephemeral, intermittent, and perennial streams, channels, lakes, and their associated habitats. The Department recommends avoiding stream and riparian habitat to the greatest extent possible.

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Any unavoidable impacts need to be compensated with the creation or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Lake and Streambed Alteration Agreement process may be required, depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. The Department recommends submitting a Lake or Streambed Alteration notification early in project planning, 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>.

18

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

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance and minimization measures to reduce project impacts; and,
- 3) Discussion of potential mitigation (as defined in Section 15370 of the CEQA guidelines) measures required to reduce the project impacts to a level of insignificance.

19

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

20

Impacts to Surrounding Lands and Associated Species

As previously stated, the Department provided comments on the NOP for this Project on March 22, 2012. The Department recommended analysis of impacts on the adjacent SJWA and species that may utilize this area. Suggested areas of analysis provided by the Department included potential impacts to species and habitats as a result of development of the Project and associated light, noise, trash, emissions, vectors, fuel management, runoff and water quality. Because the DEIR provides only minimal information pertaining to these suggested areas of analysis, the Department is unable to provide an adequate review of the potential impacts of the Project to wildlife and habitats on the adjacent SJWA. The Department requests that impacts to wildlife and habitat adjacent to the Project are thoroughly analyzed using appropriate studies to determine suitable mitigation

21

measures. In the absence of specific mitigation measures in the CEQA document, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources.

21

Wildlife Movement

The DEIR states that the Project will not restrict wildlife movement to and from the San Timoteo Badlands (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.

22

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 requests that studies be conducted to understand the potential impacts of the Project on wildlife movement within and adjacent to the Project site. Mitigation measures focusing on reducing impacts to wildlife (e.g., direct mortality) and wildlife movement within the geographic setting of the Project area should be provided, such as contributions towards wildlife crossings under Gilman Springs Road and designing low-impact solutions to widening roadways, such as SR-60, over existing wildlife crossings.

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Predation effects

The Project proposes the construction of 60-foot tall buildings and installation of cottonwood trees along the southern edge of the Project area, adjacent to the SJWA. The DEIR states that the buildings will provide a benefit to raptors, as

24

they may be used as perching structures. However, the Department would like to point out that the provision of such perching structures may also result in increased levels of predation in open space areas adjacent to the development, including the SJWA. The Department recommends that all buildings and other potential perching structures be constructed a minimum of 250-meters away from surrounding open space areas.

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Lighting

The DEIR states that night lighting may have adverse affects on a range of wildlife species. Affects include mortality due to increased predation, reduced health due to the disturbance of diurnal rhythms, and reduced clutch size, egg size, or survival of nesting birds. Although the Project intends to remain consistent with both the night lighting guidelines within the City's Municipal Codes and the City's Dark Sky Lighting Ordinance, the Department requests that additional measures be proposed to reduce or eliminate the long-term cumulative lighting impacts to the SJWA. Additionally, as some phases of the construction schedule propose the use of continuous lighting (i.e., 24-hour-per-day, 7-days-per-week) over extended periods of time, construction lighting may result in negative impacts to wildlife species. The Department requests that the DEIR be revised to include an assessment of the effects of all phases of construction lighting on adjacent habitat and associated species, and appropriate mitigation measures be incorporated to reduce or eliminate these impacts. .

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Noise

The Project will produce increased noise levels that will reach the SJWA during both the construction phases of the Project and throughout the long-term operation of the facility; the DEIR states that noise levels will exceed 60 dBA roughly 1,000 feet into the SJWA during construction of the southernmost areas of Phase 2. As stated in the DEIR, increased noise levels near wildlife areas can affect mammals, birds, and other species by contributing to behavioral changes, such as increased startling of birds (especially harmful during nesting periods), changes in foraging patterns, sleep pattern disruption, and decreased overall condition/health from noise stress. Increased noise levels may also indirectly affect wildlife species by decreasing the habitat value of certain areas, resulting in decreased occupancy or use.

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As estimated in the DEIR, some phases of the on-site construction schedule may occur on a continuous basis (24-hour-a-day, 7-day-per-week) and continue periodically over a nine-year period. The Department is concerned that such an extensive construction term and schedule may adversely impact species known to utilize the adjacent open space areas.

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Although mitigation measures for short-term construction noise were proposed in the DIER, the measures focus solely on human residences, and do not consider measures for the adjacent SJWA and other nearby open space areas. The Department requests that the DEIR be revised to include measures that will reduce or eliminate the potential for construction noise entering the SJWA and other open space areas.

28

Trash

The Project has the potential to contribute increased amounts of trash to the neighboring SJWA and other adjacent open space areas, which may result in an added burden to land management obligations. The Department recommends the Project provide a minimum 250-meter setback between the development and SJWA and other open space areas to minimize the potential for increased land management obligations. The setback area should be maintained free of trash and debris in perpetuity to ensure that the SJWA and the land management obligations of the SJWA are not adversely impacted by the development and long-term operation of the Project site.

29

Greenhouse Gas Emissions

The Department is committed to reducing the effects of climate change on the State's natural resources and implementing legislative requirements addressing greenhouse gas emissions. The Natural Resources Agency adopted new guidelines on December 31, 2009, requiring lead agencies to analyze greenhouse gas (GHG) emissions under section 15064.4 of the CEQA Guidelines during CEQA review. Assembly Bill 32, the California Global Warming Solutions Act, established a state goal of reducing GHG emissions to 1990 levels by the year 2020 (a reduction of approximately 25 percent from forecast emission levels). Senate Bill 97, a "companion" bill directed amendments to CEQA statutes to specifically establish that GHG emissions and their impacts are appropriate subjects for CEQA analysis. Senate Bill 375 calls on California's urban regions to develop coordinated plans for reducing GHG emissions through more efficient transportation and development patterns. Regional transportation agencies, in coordination with local governments, must now design "Sustainable Communities Strategies" (SCSs) to achieve mandated GHG emissions reduction targets from automobiles and light trucks.

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The Project appears to be counter to legislative and executive efforts to reduce GHG emissions as the Project is located at a considerable distance from ports, railroads, airports, and major freeways. The Project will likely emit greenhouse gases during both pre- and post-construction from: vehicle mileage trips to the site, energy to run the facility, water supply, and landscape maintenance equipment. Furthermore, land use conversion of the Project site, from agricultural to a warehouse facility, will reduce the ability of the existing Project site to sequester

31

carbon. The Department recommends that the subsequent CEQA document include a quantitative analysis that includes, but is not limited to, the primary sources of GHG emissions associated with the project pre- and post-construction, including: vehicular traffic, generation of electricity, natural gas consumption/combustion, solid waste generation and water usage. An assessment of the potential direct and indirect effects of Project-associated GHGs should be provided, including the loss of open space for sequestering carbon, the extent of change in GHGs compared to the existing environmental setting, and the potential conflicts with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. The revised DEIR should include an analysis of the potential direct and indirect impacts of GHGs and appropriate mitigation should be proposed for these impacts.

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Vector control

The Project area and adjacent open space lands are used by a multitude of sensitive species. Following build-out, the Project may implement a vector control plan to address vectors such as rats, mice, gophers, ground squirrels, and mosquitoes. The Department is concerned with the potential risks of primary or secondary poisoning on the wildlife species that use the adjacent open space areas. Secondary poisoning occurs when scavenging species eat dead or dying rodents that have been killed by rodenticides. Owls, hawks, other scavenging birds and predators such as raccoons, foxes, skunks and coyotes are at risk. If chemical rodenticides are necessary, the Department recommends the use of bait products that contain the ingredients chlorophacinone or diphacinone. These compounds require multiple feedings to kill rodent pests, so they pose a lower secondary poisoning risk compared to rodenticides used to control mice and rats within homes, barns or other buildings. Over-the-counter rodenticides - including many commonly known brands that contain the active ingredients brodifacoum, bromadiolone or difethialone - can only be legally used to control rats and house mice in and very close to structures. It is not legal to use these products in open areas such as pastures or fields and they should not be used adjacent to open space areas.

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The Project also includes the construction of detention basins and swales to treat onsite stormwater runoff. Stormwater treatment control best management practices (BMPs) and other basins can increase potential mosquito/vector control breeding habitat. It is in the interest of the City and the Department to offer the public the highest level of protection from vectors while also protecting natural resources and reducing the use of pesticides. The Department encourages the City to use preventative planning, compatible design, and effective long-term maintenance to avoid or reduce vectors. City should refer to the California Health & Safety Code § 2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by the local mosquito and vector control districts/agencies. Please be aware that

33

some vector control measures may have associated environmental impacts and require notification pursuant to the Department's Lake and Streambed Alteration Program.

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Fuel Management

The DEIR references the MSHCP Fuel Management Guidelines and states that all brush management will occur entirely within the Project boundary. However, the DEIR does not provide a description of the types of proposed fuel management activities, where fuel management areas will be located, the size of the fuel management areas, or the type(s) of vegetation that will be planted, if any, within the fuel management area. The Department recommends the DEIR be revised to provide a fuel management plan that includes a detailed plant palette, proposed maintenance activities, graphics that clearly define fuel modification zones with reference to the Project development, and an assessment of current and long-term potential impacts related to the fuel management area and associated maintenance activities.

34

Drainage Features and Hydrology

Development and operation of the Project will alter existing hydrology and drainage patterns within the Project site, and on adjacent properties, including Mystic Lake and the SJWA. According to Figure 4.9.1 of the DEIR, five of the total six watersheds within the Project boundary eventually drain to the SJWA. Drainage from the Project area will either, *"...be directed to the regional storm drain system and away from the adjacent open space, or treated by water quality and retention basins to maintain historical runoff rates and patterns..."* All storm water runoff coming from north of SR-60 or from north of Gilman Springs Road will be conveyed to storm water facilities and eventually discharged to adjacent lands or other facilities.

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Offsite improvements are mentioned briefly within the Project Description section of the DEIR. These improvements include, but are not limited to, the construction of four debris basins east of Gilman Springs Road, drainage improvements to the east of the Project boundary between Cactus Avenue and Brodiaea Avenue, and interchange improvements along SR-60. The DEIR does not provide a description these improvements nor does it assess the biological impacts associated with the construction and perpetual maintenance of these facilities. Some, if not all of these facility improvements are required to develop the Project, and would be directly related to and constructed in conjunction with the Project, therefore, a biological and environmental impact assessment should be completed and disclosed in the revised DEIR.

All watershed areas, except Watershed E, will contain detention basins to mitigate onsite flows. Watersheds C and D are provided a "spreading area" while

36

Watersheds C, D, E, and F all contain discharge points at which the flows being conveyed through the Project area will be released onto adjacent properties. The DEIR does not provide information regarding the size, capacity, design, function, or maintenance requirements of the retention and/or detention basins, "spreading area", or discharge points. The DEIR also does not explain how the drainage facilities and discharge points will "...maintain historical runoff rates and patterns..." once they exit the Project site, except by stating that drainage systems that discharge into existing downstream facilities would be designed to not exceed existing discharge levels.

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The DEIR states that Drainage 9 (referred to as Line "E" in the Hydrology and Water Quality Section of the DEIR) will be protected in its natural state and provided a minimum 25-foot setback from the banks. However, the Hydrology and Water Quality section of the DEIR proposes reinforced concrete box culverts at the Alessandro Boulevard and Brodiaea Avenue crossings and a realignment and improvement of a lateral connecting to this Drainage. The DEIR also states that runoff from north of SR-60 would be routed to this channel. If the intention to preserve this channel is based on its biological values and functions, the Department recommends that this buffer be greatly increased and the addition of any proposed structures be reconsidered.

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Overall, the DEIR contains limited information pertaining to 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 DEIR be revised to include specific and detailed plans for all drainage control facilities, including the offsite debris basins and any proposed outlet facilities. The revised DEIR should also disclose and analyze impacts associated with these facilities, and provide appropriate mitigation to offset impacts.

38

Water Quality

The DEIR does not provide sufficient information for the Department to review the potential impacts of the Project on water quality. The Department is particularly concerned with the impact of the Project on surface waters flowing offsite into the SJWA and Mystic Lake. The discussion of water quality in the DEIR focuses on future compliance with the NPDES and General Construction permit process. Deferred analysis of Project impacts is not sufficient and compliance with State laws regarding water quality does not preclude impact(s). The revised DEIR should include specific analysis of anticipated water quality impacts or assume impacts and propose specific mitigation. The deferred

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analysis included in the DEIR does not disclose impacts. Furthermore, all future projects constructed subject to the specific plan will require subsequent CEQA analysis.

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Buffer and Setback Areas

Throughout the DEIR, 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." The DEIR states 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."* Although the acquisition of the lands broadened the area between potential future developments and recreational uses at the then northern border of the SJWA, providing a buffer was not the sole purpose of the acquisition. Lands that comprise the "CDFW Conservation Buffer Area" include agricultural properties that were purchased by the CDFW 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 CDFW and incorporated into the SJWA to expand the existing wildlife area, provide upland refuge for SKR during flooding events at Mystic Lake, and to contribute toward the preservation of a wildlife corridor between the SJWA and the Badlands. The Department agrees that these lands should be rezoned/designated as Open Space; however, 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.

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The Specific Plan provides for a 400-foot setback along the southern boundary of the Project, adjacent to the SJWA, which includes a 250-foot development setback and a 150-foot building setback. The 250-foot development setback is proposed to include landscape areas, drainage and water quality facilities, barriers (walls and fencing), maintenance access drives, and other related uses. As this area includes maintained, engineered facilities required by the development, it cannot be considered as a setback or buffer from development. Rather, it should be considered a component of the development.

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As the Department previously stated, the DEIR does not provide sufficient information on potential impacts to species, habitat, and the SJWA itself, from fuel management, water quality, lighting, noise, trash, predation effects, vector control, and GHG emissions. To help mitigate these impacts the Department recommends that the Project provide a minimum 250-meter 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.

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LAPM, BUOW, and Sensitive Plants

Mitigation measures 4.4.6.2A, 4.4.6.4C, and 4.4.6.4E describe proposed relocation efforts planned for sensitive plants, LAPM, and BUOW. The measures propose that these species be relocated onsite, within the 250-foot setback area, and that the area be considered a conservation area for plant or animal species that need to be relocated due to development of the Project. However, the DEIR also states that the 250-foot setback area may be used for, *"landscaping, drainage and water quality facilities, fences and walls, maintenance access drives, and similar related uses."* The DEIR also proposes that the 250-foot buffer area will provide mitigation for indirect impacts of air pollutants on adjacent wildlife. The Department is very concerned with the appropriateness of these mitigation proposals. The 250-foot setback area cannot be used as described above, and also serve as a relocation and conservation area for sensitive species.

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Air Pollutants

The DEIR states that, *"The 250-foot setback ...and the presence of the CDFW Conservation Buffer Area, will effectively mitigate potential indirect impacts of air pollutants...on wildlife within the SJWA."* As stated previously, the State-owned SJWA cannot serve as mitigation for Project impacts. Potential indirect impacts on wildlife and habitats associated with the SJWA should be fully disclosed, assessed, and mitigated within the Project's boundary, and not deferred to the adjacent state-owned wildlife area.

44

Cumulative Impacts

The Project is proposed in a rapidly developing region of southern California. The regional scarcity of biological resources may increase the cumulative significance of Project activities. Cumulative effects analysis should be developed as described under CEQA Guidelines Section 15130. Cumulative impacts analysis should include the Project's contribution to greenhouse gas emissions and impact on regional air quality. Please include all potential direct and indirect project related impacts to streambeds, riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors, wildlife foraging habitats, or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis.

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Alternatives Analysis

The CEQA document should analyze a range of alternatives which would avoid or otherwise minimize impacts to sensitive biological resources. The DEIR analyzed six project alternatives including: 1) No Project/No Build; 2) No Project/Existing General Plan; 3) Alternative 1: Reduced Density; 4) Alternative

46

2: Mixed Use A; 5) Alternative 3: Mixed Use B – MHSP with logistics warehousing; and 6) Alternative Sites. Although these alternatives were analyzed, none of the options focused on reducing impacts to biological resources. Alternative 1: Reduced Density option decreases the logistics warehousing development from 41.6 million square feet (msf) to 29 msf, but does not reduce the Project footprint or increase open space areas. Mixed Use A (Alternative 2) maintains the same acreage of impact as the proposed project, but provides for other uses including light manufacturing, retail commercial, and professional offices. Mixed Use B (Alternative 3) is nearly identical to the No Project/Existing General Plan alternative with the exception of swapping 603 acres of business, retail, institutional, and other uses for logistics warehousing. In the Department's opinion the DEIR fails to propose and analyze a full range of alternatives, and as such, the Department is unable to fulfill its obligations as a Trustee Agency.

46

The Department considers Rare Natural Communities as threatened habitats, having both local and regional significance. Thus, these communities should be fully avoided and otherwise protected from Project-related impacts. The CEQA document should include an evaluation of specific alternative locations with lower resource sensitivity where appropriate. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat should be addressed.

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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. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.

48

Department Recommendations

The Department has the following concerns about the Project, and requests that these concerns be addressed in a revised DEIR:

1. The revised DEIR should include current biological data based on all available information. The Department recommends that the Project applicant/Lead Agency consult with staff from the Department (including SJWA land management) and MSHCP to obtain species occurrence information, assist in the identification of cumulative impacts, and to aid in the development of appropriate avoidance, minimization, and mitigation measures. If sensitive species may occur within the project area, species specific surveys, conducted at the appropriate time of year and time of day, should be included in the revised DEIR. Acceptable species specific surveys have been developed by the Department, and by the U.S. Fish and Wildlife Service, and are accessible through each agencies websites.

49

2. The Department recommends that the JD be revised to include all jurisdictional areas per the CWC's definition of *Waters of the State*. Subsequent to the revision of the JD, the revised DEIR should reevaluate the impacts to the streambeds, including potential indirect impacts both upstream and downstream of the Project area, and provide appropriate avoidance, minimization and mitigation measures for the impact to, and/or loss of streambeds and their associated habitats. The analysis in the revised DEIR should satisfy the requirements of the Department's Lake and Streambed Alteration Program and CESA (if deemed necessary). 50
3. The Department recommended analysis of several potential impacts to wildlife resources on the adjacent SJWA and Lake Perris Recreation Area in its March 22, 2012 NOP comment letter. Topics suggested for analysis included: light, noise, trash, emissions, habitat connectivity, fuel modification, vector control, and runoff. These topics were not adequately identified and analyzed in the DEIR. The Department recommends the DEIR be revised to include these topics, and that further focused analysis and studies, including additional topics listed in this letter, be conducted to determine the impacts resulting from the Project. Appropriate minimization and mitigation measures should also be identified in the revised DEIR to offset these impacts. 51
4. To reduce impacts to adjacent open space areas, the Department recommends the Project incorporate a 250-meter setback area along its southern boundaries, and within Project's footprint, where the Project abuts open space areas (including the SJWA). The Department reiterates that the setback area should be independent of any State-owned lands. The revised DEIR should not refer to the SJWA as a "CDFW Conservation Buffer Area", nor should it defer its mitigation obligations or compensatory measures to the SJWA or other adjacent open spaces lands. 52
5. The DEIR should be revised to incorporate appropriate, species-specific mitigation measures to address potential impacts to species and habitat. Specifically, revisions should address the mitigation measures proposed for Los Angeles pocket mouse, Burrowing Owl, and sensitive plants. 53
6. The revised DEIR should provide a thorough analysis of direct, indirect, and cumulative impacts and identify specific measures to offset such impacts. As previously stated, the revised DEIR should include all potential direct and indirect project related impacts to streambeds, riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors, wildlife foraging habitats, or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, 54

and adjacent natural habitats. The cumulative impacts analysis should also include an assessment of the Project's contribution to GHG emissions and regional air quality.

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7. The revised DEIR should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6). It is the Department's opinion that the DEIR currently fails to propose and analyze a full range of alternatives, and as such the Department is unable to fulfill its obligations as a Trustee Agency.

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In summary, the Department requests that the revised DEIR include current information regarding biological resources, an updated JD and impact analysis for State Waters, assessments and studies to determine the impacts to surrounding lands and associated species, appropriate mitigation measures, a thorough analysis of cumulative impacts, and an analysis of a broader range of Project alternatives. If you should have any questions pertaining to these comments, please contact Kimberly Freeburn Marquez at (909) 945-3484.

56

Sincerely,



Jeff Brandt
Senior Environmental Scientist

cc: State Clearinghouse, Sacramento

RESPONSES TO LETTER B-3

California Department of Fish and Wildlife

Response to Comment B-3-1. The City acknowledges the California Department of Fish and Wildlife's (CDFW) role as both a responsible and trustee agency, and its subsequent permitting authority under Fish and Game codes. Moreover, the City recognizes the important role the CDFW has in the California Environmental Quality Act (CEQA) review process for this project, and has addressed the CDFW's comments in the following responses.

Response to Comment B-3-2. This comment accurately reflects the characteristics of the World Logistics Center (WLC) project and the various Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) areas and constraints in the vicinity of the WLC project. It should be noted the Specific Plan area has been reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet down 2.4 percent from the original 41.6 million square feet.

Response to Comment B-3-3. The Environmental Impact Report (EIR) contains sufficient, specific, and current data on both habitat and species within the WLC area, and does analyze potential impacts of the WLC project on these biological resources. However, the commenter must keep in mind that the EIR is a programmatic document, and a number of comments made by the commenter mistakenly assume the EIR is a project-level document (e.g., Responses to Comments B-3-33, B-3-34, etc.). 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. 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 from the Department as appropriate (e.g., Streambed Alteration Agreements for onsite drainages if they are state jurisdictional).

Response to Comment B-3-4. The surveys have been updated and provided in the updated Habitat Assessment and MSHCP Consistency Analysis (FCS 2013- Final Environmental Impact Report (FEIR) Volume 2 Appendix E-1) (hereafter MSHCP Consistency Analysis). Table B-3.A below includes a summary of the biological surveys addressing the request of the CDFW.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table B-3.A: Summary of Survey Types, Dates, Locations, and Staff

Report Year	Field Date(s)	Survey	Parcel Name	Staff
2005	May 10, 20, 23 Aug 29	Biological Resource Assessment Survey	Bel Lago	S. Crawford
2005	May 10	MSHCP Habitat Assessment	Bel Lago	S. Crawford
2005	May 10, 20, 23 Aug 29	Burrowing Owl Focused Surveys	Bel Lago	S. Crawford
2005	May 10, Aug 29	Jurisdictional Delineation Riparian/Riverine and Vernal Pool Habitat	Bel Lago	S. Crawford
2005	August 21 through 26	Los Angeles Pocket Mouse Focused Surveys	Bel Lago	K. Rios
2006	August 16, 26	MSHCP Habitat Assessment	Tentative Tract Map 34848 (Bel Lago South)	M. Romich J. Hickman S. Hongola
2006	August 16, 17, 19, 22	Burrowing Owl Focused Surveys	Tentative Tract Map 34848 (Bel Lago South)	M. Romich J. Hickman S. Hongola
2007	May 1, 2, 3, 4	Burrowing Owl Focused Surveys	Highland Fairview Corporate Park Property	S. Crawford K. Workman S. Hongola K. Osmundson
2007	May 10	Jurisdictional Delineation Riparian/Riverine and Vernal Pool Habitat	Highland Fairview Corporate Park Property - Logistics Building Area	K. Osmundson
2007	September 18	Jurisdictional Delineation Riparian/Riverine and Vernal Pool Habitat	Highland Fairview Corporate Park Property	T. Mullen
2007	May 15 July 19	MSHCP Habitat Assessment	Highland Fairview Corporate Park Properties	K. Lord
2007	May 15-18, 22-24, 30-31, June 1, 5-7, 12-14, 19-20, 26, July 3, 6, 11, 12	Burrowing Owl Focused Surveys	Highland Fairview Properties	S. Crawford
2007	September 27 2006	MSHCP Habitat Assessment	398-Acre Anderson Property	K. Workman S. Hongola
2007	August 15, 16, 22, 23 2006	Burrowing Owl Focused Survey	398-Acre Anderson Property	K. Workman K. Osmundson
2008	January 10	MSHCP Habitat Assessment	Highland Fairview Properties	K. Lord
2010	June 9, 10, 11, 16, 22, 23, 24	Sensitive Plant Surveys	Highland Specific Plan	S. Crawford
2010	June 9 through 24	Burrowing Owl Focused Surveys	Highland Specific Plan	S. Crawford

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Report Year	Field Date(s)	Survey	Parcel Name	Staff
2010	June 27, 28, 29, 30, Jul 1, 2	Los Angeles Pocket Mouse Focused Surveys	Highland Specific Plan	K. Rios
2011	October 24	MSHCP Habitat Assessment	Highland Specific Plan	S. Crawford D. Hameister
2012	March 16	Delineation of Jurisdictional Waters and Wetlands	WLCSP	S. Crawford
2012	June 28, July 5, 6 and 9	Burrowing Owl Focused Surveys	WLCSP	T. Molioo D. Lloyd D. Hameister
2012	July 1-6	Los Angeles Pocket Mouse Focused Surveys	WLCSP	K. Rios
2013	June 13, 20, 21, 27, July 3, 7, and 9	Burrowing Owl Focused Surveys	WLCSP	D. Hameister T. Molioo S. Crawford Z. Ziade L. Westmoreland C. Lytle
2013	July 8-11	Los Angeles Pocket Mouse Focused Surveys	WLCSP	K. Rios S. Crawford

Response to Comment B-3-5. Throughout the preparation of the CEQA document, attempts were made to contact SJWA staff to obtain local sensitive species information that was not previously included in the California Natural Diversity Data Base (CNDDB 2013) or obtained from Resource Conservation Authority (RCA) staff. Geographic Information Systems (GIS) data regarding the San Jacinto Wildlife Area (SJWA) and surrounding area was provided and is included in the MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1). The updated MSHCP Consistency Analysis provides an accurate account of the species that may be affected by WLCSP development. Additional consultation with CDFW is not required.

Response to Comment B-3-6. The Department's NOP comment letter recommended the City consult with the Department to obtain species information and discuss potential project impacts. Based on recent studies, six California species of concern occur within the WLCSP area and include black-tailed jackrabbit, northwestern San Diego pocket mouse, logger-headed shrike, California horned lark, white-tailed kite, western burrowing owl. All six of these species are covered under the MSHCP. There are no species of concern potentially occurring within the WLCSP that are not covered under the existing MSHCP. Since, the CDFW is a participating agency in the MSHCP, consultation with CDFW was completed as part of the MSHCP process and additional consultation is not required. Contact was made with Dr. Heather Pert of CDFW at the June 5, 2013 "Consultant Toolkit for MSHCP Implementation" with regard to preliminary consultation on species present. An email was sent to Dr. Pert and other CDFW staff (particularly staff at the SJWA) for permission to survey the Conservation Buffer Area in 2013. Dr. Pert replied on June 18, 2013 stating, *"We are unclear why you need surveys for that area. It is already in conservation and therefore does not need surveys for rezoning. Please explain the need for surveys."*

The project biologist followed with another email dated June 19, 2013. This project biologist stated:

"We received multiple comments on the DEIR concerning the area and the fact that while no direct impacts would occur from the project, there could be indirect impacts. Do you have any recent studies on this area that we could use in our document on what is present in the area? I have no problem not surveying the area as I agree there are no impacts to the zone change, but I also need to be able to address comments. Information from the Department would help resolve the problem and in reality make for a stronger document."

This was followed by a reply from Dr. Pert on June 19, 2013 stating, *"It does seem appropriate for the CDFW to share our survey information with you for that area. Our information is from the RCA bio-monitoring surveys. My understanding is that the RCA recently provided data to MBA, for a possible project across Gilman Springs Road at the abandoned golf course. The radius was five miles so MBA should already have the data for San Jacinto Wildlife Area."*

This constituted our consultation with CDFW. The RCA data specifically for the WLCSP was also obtained from the RCA and used in both the surveys conducted by the biological consultant in 2013 and in revisions to the MSHCP Consistency Analysis.

Response to Comment B-3-7. The commenter states that the DEIR does not provide a complete or accurate assessment of raptor species that use the project site. Based on the RCA data and onsite field surveys, the following raptor species were recorded to occur with the SJWA:

- Bald Eagle
- Golden Eagle
- Burrowing Owl
- Cooper's Hawk
- Ferruginous Hawk
- Merlin
- Northern Harrier
- Peregrine Falcon
- Prairie Falcon
- Turkey Vulture
- 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.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment B-3-8. Comments were made about inaccurate information provided for several State Species of Special Concern. These comments are accurate. At the time of the DEIR submittal in early 2013, RCA data was not obtained at that time. Based on the revised MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1), which included information from RCA Biological Monitoring Programs, it was noted that all of these species were recorded to occur on or within the immediate vicinity of the survey area. This changed the potential for these species to occur onsite from low to moderate. However, these species are still covered under the MSHCP and payment of the fee is the appropriate mitigation for any potentially significant impacts to these species.

Response to Comment B-3-9. The commenter states that an accurate account of the species and habitat on the project site have not been adequately provided by the DEIR. Based on the RCA data and numerous field visits, and consultation with CDFW as outlined in Response to Comment B-3-6, the revised MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1) takes into consideration all of the available occurrence data. However, this does not change the foraging habitat quality. The foraging habitat on site consists of actively disked wheat fields, which is plowed dirt for most of the year, with the exception of the winter wheat growing season. Fields are typically disked at least twice a year. The soils within the survey area are powdery, which makes it very difficult for burrowing mammals to live. The vegetation is monotypic and has no species diversity. Due to the disturbed nature of the habitat, the prey base is also limited and does not provide an abundant food source. The WLCSP provides for a 250-foot buffer area between the proposed development and the SJWA to avoid direct impacts to species associated with the SJWA. Barrier fences will be installed to prohibit human trespass onto the SJWA from the project area, which will minimize impacts associated with human interactions. Mitigation will consist of payment of the MSHCP fee, which may be used to purchase off-site lands for future conservation.

Response to Comment B-3-10. The CDFW described MSHCP surveys that detected two State Species of Special Concern within 250 meters (820.2 feet) and 400 meters (1,312.3 feet) of the project site. Based on the revised MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1), the San Diego jackrabbit is considered present within portions of the WLCSP. In addition, SKR was revised to be a high potential to occur within suitable habitat areas in the WLCSP. LAPM trapping efforts were conducted on several occasions over the years and have not been recorded to occur within the WLCSP. This species is considered absent from the WLCSP (also refer to Response to Comment A-6-15).

Response to Comment B-3-11. The CDFW is concerned with the results of the focused surveys for LAPM included in the DEIR. Protocol level surveys were conducted by FCS biologist Kelly Rios, who has approximately 20 years of experience trapping mammal species throughout southern California. Protocol surveys were conducted in 2013 in all areas of the WLCSP and off-site infrastructure areas that contain suitable habitat for Los Angeles pocket mouse (LAPM). During the trapping effort, field measurements were taken for each individual species captured and identification was verified by Philip Verne, another highly experienced mammalogist that has worked closely with Kelly on several projects. The 2013 survey report is included as an appendix in the revised MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1). Based on the findings in the report, the following species were identified as being present on the site and confirmed by Philip Verne, deer mouse (*Perognathus maniculatus*), desert pocket mouse (*Chaetodipus penicillatus*), northwestern San Diego pocket mouse (*Chaetodipus fallax*), Western harvest mouse (*Reithrodontomys megalotis*), and desert woodrat (*Neotoma lepida*). In 2005 and 2010, northwestern San Diego pocket mouse was misidentified as long-tailed pocket mouse (*Chaetodipus formosus*) and has been corrected.

Response to Comment B-3-12. It is the CDFW's opinion that the DEIR contradicts finding by biological surveys performed by the MSHCP that have verified the presence of Coulter's goldfield less than 2-miles south of the project site. Based on the revised MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1), suitable habitat for this species does not occur within the project

site. Coulter's goldfield occurs in marshes, swamps and wetlands, all of which occur within the SJWA (within 1 mile of the WLCSP). This habitat does not occur within the WLCSP and project development will have no impacts to Coulter's goldfields.

Response to Comment B-3-13. The CDFW expressed their opinion that the DEIR has underestimated the relative level of impacts to foraging habitat associated with 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 will be provided by the payment of the MSHCP mitigation fee. 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 with CDFW is outlined in Response to Comment B-3-6. Future consultation with CDFW during project-specific development is always recommended, but not required.

Response to Comment B-3-14. Based upon comments received on the DEIR, additional studies are necessary to determine if the loss of raptor foraging habitat is considered significant. Based on the revised MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1), raptor species that commonly use the WLCSP area for foraging are common raptors that have adapted to urbanization, such as red-tailed hawks, red-shouldered hawks, and white-tailed kites. These raptors are commonly observed in urbanized areas and the loss of poor-quality foraging habitat is not considered a potentially significant impact requiring mitigation.

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.

In addition, the 250-foot buffer area along the southern portion of the WLCSP will be a transitional area from landscape vegetation to native habitat that will continue to the SJWA boundary. Currently, the CDFW Conservation Buffer Area is maintained as extensive agricultural fields, similar to current conditions within the WLCSP. Although the WLCSP project does not propose to use this area as mitigation, it should be noted that removing agricultural activities within the SJWA will greatly increase the quality of the adjacent foraging habitat. The introduction of landscape trees, shrubs, and light poles within the WLCSP will provide additional perching areas for raptors.

Response to Comment B-3-15. The commenter states that an assessment of the impacts to the MSHCP as a result of this project is necessary to address CEQA requirements. A complete description of MSHCP consistency is included in the updated MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1), no additional response required.

Response to Comment B-3-16. The commenter states that if the project is not processed through the MSHCP for covered species, then the project is subject to the Federal Endangered Species Act (FESA) and/or California Endangered Species Act (CESA) for threatened, endangered, and/or candidate species. All information within the comment is adequately described and necessary if the project is not processed under the MSHCP. As noted in Response to Comment B-3-15, a complete description of MSHCP consistency is included in the updated MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1).

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment B-3-17. The commenter declares that a Notification of Lake or Streambed Alteration may be required if the site contains jurisdictional waters. All identifiable and potentially jurisdictional drainages on the site were mapped and included in the DEIR and the draft wetland delineation. Currently regulatory jurisdiction of the features is based on the existing regulatory guidance including the 1987 Regional Supplement to the United States Army Corps of Engineers (USACE) Wetland Delineation manual: Arid West Region and Rapanos guidance. Prior to any future development, specific project proposals will have to undergo separate environmental review under CEQA and will be required to secure a formal jurisdictional determination from the USACE as well as jurisdictional determinations from the Regional Water Quality Control Board (RWQCB) and CDFW.

The applicant will secure a jurisdictional determination with the USACE and confirm with the RWQCB and CDFW to determine if drainage features mapped on the property are subject to jurisdictional authority and protection. If the features are subject to regulatory protection, the applicant will secure permit approvals with the appropriate agencies prior to initiation of construction. (See MM 4.4.6.3A below).

The updated jurisdictional delineation report assumes CDFW jurisdiction over the entire length of Drainages 7, 8, 9, 12, and 15. In addition these areas are also under the jurisdiction of the RWQCB. A maximum of 5.0 acres may be under CDFW and RWQCB jurisdiction. It should also be noted that Drainages 12 and 15 are hydrologically connected to downstream waters of the US and are also under the USACE jurisdiction. Mitigation for impacts to no more than 5.0 acres of waters of the State will be mitigated by the creation of a minimum of 5.0 acres of habitat creation or purchase of credits at an approved mitigation bank. MMs 4.4.6.3A and 4.4.6.3B were revised as follows to address potential impacts to jurisdictional drainages if they are impacted by future development:

4.4.6.3A ~~Prior to the approval of any Plot Plans proposing development adjacent to any on-site drainage channels identified in the project programmatic Jurisdictional Delineation (MBA 2012), the developer shall retain a qualified biologist to prepare a site-specific jurisdictional delineation and submit it to the U.S. Army Corps of Engineers (USACE) and California Department of Fish and Wildlife (CDFW) for review and concurrence. If the development plan will not affect identified jurisdictional areas, no USACE permitting is required. However, permitting through the Regional Water Quality Control Board (RWQCB) and CDFW (i.e., Streambed Alteration Agreement) may still be required for this development.~~

~~The applicant shall consult with USACE, CDFW and RWQCB to establish the need for permits based on the results of the 2012 jurisdictional delineation and final design plans for each of the proposed facilities. Consultation with the three agencies shall take place and appropriate permits obtained. Compensation for losses associated with the altering of drainages on site shall be in agreement with the permit conditions.~~

~~Any development adjacent to Drainage 9 shall be designed with the channel in its relatively natural condition, and shall provide a minimum 25-foot open space setback from the top of each bank. Any landscaping of this setback area shall use only native species to help protect resources residing within or traveling through these drainages between the SJWA and the Badlands, and to protect any riparian vegetation along this drainage. This measure shall be implemented to the satisfaction of the City Planning Division.~~

4.4.6.3A Prior to the issuance of grading permits the applicant shall secure a jurisdictional determination from the United States Army Corps of Engineers (USACE) and confirm with the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW) if drainage features mapped on the property to be developed are subject to jurisdictional authority. If the features are subject to regulatory protection, the applicant will secure permit approvals with the appropriate agencies prior to initiation of construction. Compensatory riparian habitat mitigation

will be provided at a minimum ratio of 1:1 (replacement riparian habitat to impacted riparian habitat) to ensure no net loss of riparian habitat or aquatic resources. It should be noted that this is a minimum recommended ratio but the actual permitting ratio may be higher. 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. A Compensatory Mitigation Plan will be prepared for all unavoidable impacts and will be consistent with the United States Army Corps of Engineers (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.

The applicant shall consult with United States Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board to establish the need for permits based on the results of a recent jurisdictional delineation and final design plans for each of the proposed the facilities. Consultation with the three agencies shall take place and appropriate permits obtained for project-level development. Compensation for losses associated with the altering of drainages on site shall be in agreement with the permit conditions and in coordination with compensation outlined below.

Mitigation will consist of onsite creation, offsite creation, or purchase of mitigation credits from an approved mitigation bank. As outlined in the WLC programmatic DBESP report, onsite riparian habitat will be created at a minimum 1:1 ratio due to the poor quality of onsite habitat. New habitat will be created within the onsite detention/infiltration basins to the extent allowed by the resource agencies to reduce storm flows, improve water quality, and reduce sediment transport. Habitat creation will include the installation of mule fat scrub or similar riparian scrub habitat to promote higher quality riparian habitat, but still maintain the basins for their primary role as detention facilities. The use of these areas as conservation areas would require consent from CDFW and the City of Moreno Valley (MM BIO-2b and MM DBESP 1 through 3).

4.4.6.3B ~~As an alternative to Mitigation Measure 4.3.6.3A, the project developer shall retain a qualified biologist to prepare a Determination of Biologically Equivalent or Superior Project (DBESP) relative to development along Drainage 9 in order to maximize protection or preservation of the drainage, otherwise the DBESP must demonstrate why protection or preservation is not possible. This measure shall be implemented to the satisfaction of the City Planning Division in consultation with the County Resource Conservation Agency (RCA).~~

~~The DBESP shall be prepared to document measures to reduce impacts to riparian/habitats in accordance with the MSHCP as well as CDFW and USFWS guidelines. The DBESP shall include specific measures to reduce impacts to riparian areas and provide mitigation in the form of on site preservation of riparian areas and/a combination of compensation through purchase and placement of lands with riparian/habitat into permanent conservation through a conservation easement and/or restoration or enhancement efforts at off site or on site locations.~~

4.4.6.3B As required by the Resource Conservation Agency (RCA), a program-level Determination of a Biological Equivalent or Superior Preservation (DBESP) for impacts to Riverine/Riparian habitat has been prepared and shall be approved by the Resource Conservation Agency prior to project approval. The Determination of a Biological Equivalent or Superior Preservation includes a general discussion of

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

mitigation options for impacts to riverine/riparian areas as well as general location and size of the mitigation area and includes a monitoring program.

If impacts to riparian habitat within the World Logistics Center Specific Plan (WLCSP) cannot be avoided at the time of specific development, then a separate project-level Determination of Biologically Equivalent or Superior Preservation (DBESP) shall be prepared to identify project-specific impacts to riparian habitat and incorporate mitigation options identified in Mitigation Measure 4.4.6.3A.

A project-level Determination of a Biological Equivalent or Superior Preservation for each specific development shall be prepared to document measures to reduce impacts to riparian/riverine habitats in accordance with the Western Riverside County Multiple species Habitat Conservation Plan (MSHCP). The project-level Determination of a Biological Equivalent or Superior Preservation shall include specific measures to reduce impacts to riparian areas and provide mitigation in the form of onsite preservation of riparian areas and/or a combination of compensation through purchase and placement of lands with riparian/riverine habitat into permanent conservation through a conservation easement and/or restoration or enhancement efforts at offsite or onsite locations. Therefore, mitigation required for compensation for impacts to riparian/ riverine areas will require a minimum of 1:1 mitigation ratio of riparian/riverine mitigation land.

As outlined in the WLC programmatic DBESP, erosion control improvements will be installed within Drainage 9 to reduce sediment transport, and additional riparian habitat will be enhanced within this drainage following the installation of the erosion control improvements (MM DBESP 4 and 5).

Any impact to drainage features that are under regulatory agency jurisdiction or are considered riparian/riverine areas under the MSHCP are considered potentially significant and will require compensatory mitigation at a minimum of a 1:1 mitigation ratio through onsite creation, off-site creation, or purchase of available mitigation credits through an approved mitigation bank. Compensatory mitigation will be negotiated during the permit acquisition process.

A Compensatory Mitigation Plan may be required for all unavoidable impacts and will be consistent with the USACE/USEPA's *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* and the USACE's *Standard Operating Procedure for Determination of Mitigation Ratios*.

An updated jurisdictional delineation report was prepared to address concerns raised by CDFW (FEIR Volume 2 Appendix E-13). The previous jurisdictional delineation assumed CDFW jurisdiction over a select portion of drainage features 7 and 9. The updated jurisdictional delineation report assumes CDFW jurisdiction over the entire length of Drainages 7, 8, 9, 12, and 15. The California Water Code defines Waters of the State as "... any surface water or groundwater, including saline waters, within the boundaries of the state." All drainage features referenced in the hydrology and water quality section of the EIR (Section 4.9) are included in the jurisdictional delineation.

In the public interest of protection and conservation of fish and wildlife resources of the state (§1600), Fish and Game Code Section 1602 requires any person, state or local governmental agency, or public utility to notify the CDFW before beginning any activity that will do one or more of the following: (1) substantially obstruct or divert the natural flow of a river, stream, or lake; (2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake. CDFW's jurisdiction includes ephemeral, intermittent, and perennial watercourses, including dry washes, characterized by:

- 1 The presence of hydrophytic vegetation.

2. The location of definable bed and banks.
3. The presence of existing fish or wildlife resources.

Furthermore, CDFW jurisdiction is often extended to habitats adjacent to watercourses, such as oak woodlands in canyon bottoms or willow woodlands that function as part of the riparian system. Historic court cases have further extended CDFW jurisdiction to include watercourses that seemingly disappear, but re-emerge elsewhere. Under the CDFW definition, a watercourse need not exhibit evidence of an ordinary high water mark (OHWM) to be claimed as jurisdictional. However, CDFW does not regulate isolated wetlands; that is, those that are not associated with a river, stream, or lake.

The CDFW regulates activities that involve diversions, obstruction, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife resources. Since several of the projects within the WLCSP will require such activities, a Section 1602 Streambed Alteration Notification will be required and submitted to the CDFW for review for each project specific development, as appropriate. The request will include a detailed project description, a description of proposed impacts, a conceptual mitigation plan, and completed notification forms. Typically, CDFW will be able to complete the agreement within 60-90 days of the completion of the CEQA process for each project.

Response to Comment B-3-18. The WLCSP may result in unavoidable impacts to as much as 5.0 acres of stream and riparian habitat under the jurisdiction of the CDFW. The jurisdictional delineation completed in 2013 has not been verified by CDFW. These impacts will be mitigated through on-site creation, offsite conservation and/or purchase of in kind habitat at replacement ratios established during the permit process, but will be at a minimum of 1:1 mitigation ratio to ensure a no-net-loss of riparian habitat.

Response to Comment B-3-19. The comment provides information on what will be required for the processing of a Notification of Lake or Streambed Alteration. During individual project development, if a Notification of Lake or Streambed Alteration is required, the information described in Comment B-3-19 will be incorporated. This information has been updated in Section 4.4.6.3 of the DEIR.

Response to Comment B-3-20. The comment states that the absence of mitigation measures relating to Notification of Lake or Streambed Alteration interferes with the Department's ability to fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Based on the most current jurisdictional delineation, impacts to Drainages 7, 8, 9, 12, and 15 will require a Notification of Lake or Streambed Alteration. A maximum of 5.0 acres of streambed under CDFW jurisdiction may potentially be impacted. Permit negotiations are not part of the CEQA process and must take place independently and cannot be completed until the CEQA document has been approved.

However, deferred mitigation is not acceptable under CEQA guidelines. Since the DEIR for WLCSP is a program level-document, it will not have the specific level of detail required for a project-level CEQA document. Mitigation measures are generally described at a program level, which is appropriate for this CEQA document. Additional environmental documentation prepared at a project-level of detail will be prepared and used to support permitting with the CDFW.

Any impact to drainage features that are under regulatory agency jurisdiction or are considered riparian/riverine areas under the MSHCP are considered potentially significant and will require compensatory mitigation at a minimum of a 1:1 mitigation ratio through onsite creation, off-site creation, or purchase of available mitigation credits through an approved mitigation bank. Compensatory mitigation will be negotiated during the permit acquisition process.

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

Response to Comment B-3-21. The commenter states that the CDFW recommended analysis of impacts on the adjacent SJWA and, without specific mitigation measures pertaining to this, the CDFW feels that it cannot fulfill its obligations as a Trustee and Responsible Agency. Based on the revised MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1), the WLCSP will have no direct impact on the adjacent SJWA. Due to the disturbed nature of the SJWA immediately adjacent to the WLCSP, it is highly unlikely that any sensitive species would be found in the disked agricultural fields.

An email was sent to Dr. Pert and other CDFW staff (particularly staff at the SJWA) for permission to survey the Conservation Area in 2013. Dr. Pert replied on June 18, 2013 stating, *"We are unclear why you need surveys for that area. It is already in conservation and therefore does not need surveys for rezoning. Please explain the need for surveys."*

The project biologist followed with another email dated June 19, 2013. This project biologist stated:

"We received multiple comments on the DEIR concerning the area and the fact that while no direct impacts would occur from the project, there could be indirect impacts. Do you have any recent studies on this area that we could use in our document on what is present in the area? I have no problem not surveying the area as I agree there are no impacts to the zone change, but I also need to be able to address comments. Information from the Department would help resolve the problem and in reality make for a stronger document."

This was followed by a reply from Dr. Pert on June 19, 2013 stating, *"It does seem appropriate for the CDFW to share our survey information with you for that area. Our information is from the RCA bio-monitoring surveys. My understanding is that the RCA recently provided data to MBA, for a possible project across Gilman Springs Road at the abandoned golf course. The radius was five miles so MBA should already have the data for San Jacinto Wildlife Area."*

Based on the revised MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1), mitigation measures will be imposed by the City of Moreno Valley through its processing of entitlements on a project-by-project basis regarding light, noise, trash, emissions, vectors, fuel management, runoff and water quality. All project operations within the WLCSP will be required to prepare a Water Quality Management Plan (WQMP), which will specifically detail all of the required safety precautions necessary to eliminate the risk of toxic contamination to any downstream water body. All project construction activities within the WLCSP will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP), which will specifically detail all of the required safety precautions necessary to eliminate the risk of construction related contamination to any downstream water body. All development within the project area will be required to obtain a statewide general National Pollutant Discharge Elimination System (NPDES) construction permit for all construction activities associated with the proposed project and will be subject to the County of Riverside's regulations to implement the NPDES program. The NPDES requirements are discussed in detail in Section 4.9 of the DEIR, *Hydrology and Water Quality*. Lastly, the portions of the WLCSP that are specifically located adjacent to Core Conservation Areas (e.g., SJWA), which are located along the eastern and southern boundary of the WLCSP, will require project specific design features and measures related to light, noise, trash, emissions, vectors, fuel management, runoff and water quality as part of the MSHCP requirements for projects affecting a recognized Urban/Wildlands interface. Mitigation measures will include specific project designs such as:

- Light directing/restricting covers on light poles;
- Vegetated buffer along the southern and western edge of the WLCSP to reduce noise impacts adjacent to residential development and the conservation area; and
- Street sweeping and trash removal requirements to reduce on-site and off-site trash issues.

The vegetated buffer mentioned above as well as a perimeter wall will be used to reduce the emissions leaving the WLCSP. All detention basins will be designed to facilitate water quality improvements and will require assessments by vector control to reduce or eliminate standing water, and the SWPPP and NPDES for each project will adequately address all fuel management, runoff, water quality requirements.

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 CDFW 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 2014). Therefore, construction activities associated with the WLCSP will not have any impact on wildlife movement from the area north of the WLCSP. Similarly, 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 is 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.

Response to Comment B-3-24. The CDFW recommends that all buildings and other potential perching structures be constructed a minimum of 250-meters away from surrounding open space areas. Light poles and transmission lines will be designed as project design features to provide raptor perching sites to reduce potentially significant impacts to raptor foraging habitat as discuss in Response to Comment B-3-14. However, there is a conflict in the recommendations from the CDFW. Designing light poles and utility poles to be raptor perching sites, may also potentially increase the number of raptors that will use the area surrounding the WLCSP. This may have an indirect impact to sensitive wildlife species that may be predated by the increased number of raptors. This potential issue is highly subjective and is not considered a significant indirect impact. There are over 3,000

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

linear feet of disked agricultural lands along the southern edge of the WLCSP. The loss of a few common rodent species, such as deer mouse, will not be a significant impact. There are already numerous utility poles used by red-tailed hawks along Gilman Springs Road. The increase in raptor perching sites is not a significant impact.

Response to Comment B-3-25. The CDFW requests that the DEIR be revised to include an assessment of the effects of all phases of construction lighting on adjacent habitat and associated species, and appropriate mitigation measures be incorporated to reduce or eliminate these impacts. The project will comply with all requirements of the night lighting guidelines as stated in the WLCSP. Each individual project will require a separate set of mitigation measures or project design features for lighting condition needs depending on where in the WLCSP the project is located. Projects located along the edges of the WLCSP will have more lighting requirements than those located in the central or northern portion of the WLCSP. These lighting design features and/or mitigation measures will be established during the project specific entitlement process.

Response to Comment B-3-26. The commenter correctly summarizes impacts to biological resources due to noise. Portions of the WLCSP will produce increased noise levels that will affect common wildlife species by decreasing already poor quality habitat values. A decrease in occupancy of common wildlife species is not a significant impact. Due to the distance of the WLCSP to high quality riparian habitat within the SJWA (approximately 4,000 feet), an increase in noise levels within the WLCSP will not significantly affect suitable habitat for sensitive wildlife species.

Response to Comment B-3-27. The CDFW is concerned that extensive noise impacts due to construction term and schedule may adversely impact species known to utilize the adjacent open space areas. A noise analysis has been prepared for the project to quantify potential short and long-term noise impacts that could occur as a result of development of the parcel adjacent to open space areas. Based on recent studies (Landrum and Brown 2012) noise contours would exceed 60 A-weighted decibels (dBA) [L_{eq}] roughly 1,000 feet into the CDFW Conservation Buffer Area during construction of the southernmost areas of Phase 2. Building construction activities associated with Phase 2 are expected to last no more than 3 to 6 months at one time. The City of Moreno Valley Noise Ordinance requires that noise levels remain below 55 dBA (Leq) during nighttime hours. USFWS typically uses 60 dBA as a noise threshold for impacts to wildlife species. To achieve this noise level the edge of WLCSP would only need to be 100 feet from the nearest suitable habitat for sensitive wildlife species and no soundwall or noise barrier would need to be present. Therefore, any noise-related impacts would be temporary in nature and generally limited to construction of Phase 2 facilities along the southern boundary of the WLCSP.

The southern edge of the project site is well over 4,000 linear feet from the northern edge of high quality habitat of the SJWA. Construction noise, even if continuous, will not significantly affect any off-site sensitive habitat or suitable habitat for sensitive wildlife species. The proposed WLCSP will be built over a span of 15 years, but construction will not be continuous and will occur at different parts of the WLC over time. The burrowing owl that was observed in 2013 was observed immediately adjacent to Alessandro Boulevard, which is a heavy traffic street during the morning and afternoon rush hours. It does not appear that noise caused by traffic has deterred use of the WLCSP at this location.

Response to Comment B-3-28. The CDFW requests that the DEIR be revised to include measures that will reduce or eliminate the potential for construction noise entering the SJWA and other open space areas. Based on recent studies (Landrum and Brown 2012) noise contours would exceed 60 A-weighted decibels (dBA) [L_{eq}] roughly 1,000 feet into the CDFW Conservation Buffer Area during construction of the southernmost areas of Phase 2. The southern edge of the project site is well over 4,000 linear feet from the northern edge of high quality habitat of the SJWA. Construction noise, even if continuous, will not significantly affect any off-site sensitive habitat or suitable habitat for sensitive wildlife species. Additional mitigation measures are not necessary for the area adjacent to the SJWA.

However, in the future, if the extensive agricultural lands on the SJWA are replaced with natural vegetation communities and/or suitable habitat for sensitive wildlife species, then additional mitigation measures may be required on a project specific basis.

Response to Comment B-3-29. The CDFW recommends the project provide a minimum 250-meter (820.21 feet) setback between the development and SJWA and other open space areas to minimize the potential for increased land management obligations. This issue is addressed in detail in Response to Comment B-3-42 in this Letter.

Response to Comment B-3-30. The CDFW states their commitment to reducing the effects of climate change on the State's natural resources and implementing legislative requirements addressing greenhouse gas emission. The City appreciates the CDFW's commitment to reducing greenhouse gases (GHG), and encourages the commenter to refer to Section 4.7 of the DEIR for additional information on the efforts of the WLC project to limit or reduce its GHG emissions, including allowance for solar energy systems.

Response to Comment B-3-31. The CDFW suggests that the revised DEIR should include an analysis of the potential direct and indirect impacts of GHGs and appropriate mitigation should be proposed for these impacts. An updated Air Quality Assessment was prepared for the WLCSP. The plan details all of the sources of GHG emissions and provides an assessment of project related direct and indirect impacts associated with Project-Associated GHGs. It should be noted that a project specific air quality assessment will be required for individual projects during future entitlement processes which will contain appropriate mitigation tiered off the impact analysis and mitigation in this EIR.

The CDFW recommends a quantitative analysis include the primary sources of greenhouse gas emissions associated with operation of the project, including vehicles, generation of electricity, natural gas consumption/combustion, solid waste generation, water usage, and landscape maintenance equipment. The DEIR quantified those sources of emissions as shown in Table 4.7.G (page 4.7-32) and Table 4.7.I (page 4.7-35). The landscape emissions are less than 1 metric tons of carbon dioxide equivalent (MTCO_{2e})/year and therefore are not shown in the tables. The revised analysis also quantifies those sources and estimates fewer greenhouse gas emissions than in the original DEIR (refer to Volume 2 Section 4.3 Air Quality).

The commenter also requests that construction greenhouse gas emissions be estimated. The construction greenhouse gas emissions were estimated in the DEIR (Table 4.7.E, pages 4.7-29 and 4.7-30) and in the revised analysis (refer to FEIR Volume 2 Section 4.3, Table 4.7.E).

The commenter also requests quantification of the land conversion from agricultural to warehouse. This quantification was estimated to be 16,523 MTCO_{2e} in the DEIR in Table 4.7.E (page 4.7-30) and is shown as a one-time "land use change (conversion from crop to urban)." This has been refined in the revised analysis and is now added to the operational emissions (refer to FEIR Volume 2 Section 4.3, Table 4.7.H).

The commenter also requests that the potential conflicts with any applicable plan, policy, or regulation to reduce greenhouse gases be identified. This was addressed in DEIR Section 4.3 Air Quality, Impact 4.7.6.2 (pages 4.7-36 through 4.7-43) and was found to be significant and unavoidable. In the FEIR, this impact was changed to less than significant.

Response to Comment B-3-32. The CDFW recommends the use of bait products that contain the ingredients chlorophacinone or diphacinone. If and when rodenticides are used, the applicant will only

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

use bait products for rodent elimination, which must contain chlorophacinone or diphacinone. This is not a required mitigation measure. It is best described as a Best Management Practice.

Response to Comment B-3-33. The commenter states that the City should use preventative planning, compatible design, and effective long-term maintenance to avoid or reduce vectors. It is also the desire of the City to control vectors associated with the detention basins of the WLC project, however, the commenter must remember this is a programmatic document, and the EIR clearly states that more detailed CEQA analysis will be performed once more specific project-level data and plans are submitted for discretionary review to the City (e.g., future site plans, plot plans, etc.) consistent with the programmatic WLCSP. The DEIR provides mitigation at a programmatic level, but does rely on implementation at the project level once specific development plans are submitted. Future discretionary review by the City will include any detention basins needed to support development within the WLCSP. The general characteristics of these basins are described in Section 4.9 of the DEIR, and the water quality characteristics of the WLC project and basins are shown in Specific Plan Section 5.1.8.8. This information is based on the conceptual basins identified in the project hydrology report (DEIR Appendix J-1) and the revised project hydrology report (FEIR, Volume 2 Appendix J-1) with this document. A mitigation measure has been added to the FEIR (Volume 2) as follows:

4.4.6.4I The individual property owner and/or Property Owners Association (POA) as appropriate shall 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 provide for fuel management and vector control pursuant to standards maintained by the City Fire Marshall and County Department of Environmental Health- Vector Control Group. This measure requires the individual owner or Property Owners Association (POA) to manage vegetation in and around these areas or improvements so as to not represent a fire hazard as defined by the City Fire Department through the substantial buildup of combustible materials. This measure also requires the individual owner or Property Owners Association to manage vegetation and standing water in drainage channels and basins such that they do not encourage or allow vectors to occur (primarily rats and mosquitoes). Runoff shall not be allowed to stand in channels or basins for more than 72 hours without treatment or maintenance to prevent establishment of mosquitoes per published County vector control guidelines and “Best Management Practices for Mosquito Control on California State Properties” which is available from the California West Nile Virus website at <http://www.westnile.ca.gov/resources>. This measure shall be implemented by the Property Owners Association in consultation with the City Fire Department and Riverside County Department of Environmental Health – Vector Control Group.

Response to Comment B-3-34. The CDFW recommends the DEIR be revised to provide a fuel management plan that includes a detailed plant palette, proposed maintenance activities, graphics that clearly define fuel modification zones with reference to the project development, and an assessment of current and long-term potential impacts related to the fuel management area. Again, the commenter has apparently misunderstood that the DEIR is a programmatic document and does not address site specific development at this time. Subsequent development applications may include specific fuel management plans if they are necessary and so desired by the City. However, there is already considerable detail in the WLCSP (both the original and the revised versions) in terms of the project’s landscaping palette, including the detention basins. As outlined in the DEIR (Section 3.4.9), the landscaping palette is consistent with the MSHCP guidelines for urban/wildland interfaces and emphasizes native species over weedy or introduced non-native species. For additional information, see Section 4.2.9 of the WLCSP. In addition, MM 4.4.6.1A in the DEIR address plants suitable for the detention basins as these areas may be used for future relocation of sensitive species, or at a minimum riparian habitat adjacent to the north end of the SJWA.

Response to Comment B-3-35. Comments were made about the need for a biological and environmental impact assessment to be included in the FEIR. The proposed drainage improvements will be designed to reduce standing water and will spread storm water flows within a gradually sloping basin. The drainage improvements will contain riparian scrub vegetation, which will also limit vectors such as mosquitoes. The drainage improvements will be used to filter and clean the first flush pollutants from storm flows. The treated water will be collected and piped to the drainage improvements, where the water will be used to establish a riparian habitat along the southern boundary of the WLCSP. Flows will be contained within a meandering swale, allowing for riparian vegetation and possibly wetland creation. Riparian vegetation will be maintained at the entrance and exit of the drainage improvements to ensure functionality of the basins over time. The drainage improvements will vary in size and shape, but will generally be 100-200 feet in width and several hundred feet in length. A general description of the drainage improvements are discussed in the Master Plan of Drainage Report (CH2M Hill 2014 – FEIR Volume 2 Appendix J-1). The nuisance flow associated with the proposed development will provide a more regular water source, which will be used to support a higher quality riparian habitat than current existing within drainage features within the WLCSP area.

Response to Comment B-3-36. The CDFW's comment stated that the DEIR does not provide information regarding the size, capacity, design, function, or maintenance requirements of the retention and/or detention basins, "spreading area," or discharge points. The previous DEIR did not contain a detailed description of the proposed detention basins and spreading areas. Based on the Master Plan of Drainage Report (CH2M Hill 2014 - FEIR Volume 2 Appendix J-1), five of the seventeen proposed debris basins will also include a spreading structure. These structures are all located along the southern boundary of the WLCSP and will provide the last phase of water quality treatment before exiting the WLCSP. Spreading basin structures will be installed within all of portions of Basin Nos. B3, C2, D2, F1, and F2. The Master Plan of Drainage Report (CH2M Hill 2014 - FEIR Volume 2 Appendix J-1) provides a detailed description of the size of each basin (Table 3.3 - Proposed Basins). Figure 9 of the report provides a detailed design of a typical detention basin with spreading structures. The design of the basins is preliminary and the location may change based on negotiations with regulatory agencies during the permitting process.

The detention basins with spreading structures will be designed for energy dissipation and habitat creation. The purpose of the detention basins with spreading structures is to reduce the velocity of the water before it leaves the project site. The water will enter the detention basins from an underground storm drain outlet that originate from an upstream detention basin. The upstream detention basins are designed to take first flush storm water, which will treat the storm water before it enters the downstream detention basins with spreading structures.

Once water enters the basin, it will flow through an energy-dissipating device, such as riprap, to reduce scour and erosion. Water will then meander through a gradual sloping basin that will be planted with a variety of riparian plant species such as mule fat, cottonwood, willows, coyote bush, and other appropriate riparian plants. Vegetation will be monitored to determine if removal or trimming of individual plants that may cause potential structure damage is necessary. Otherwise, vegetation within the basins will be relatively undisturbed.

Storm water flows will then flow into an outlet riser that will convey flows into a spreading structure with a bubbler outlet. This will reduce downstream erosion, but will maintain existing flows and character of a sheet flow pattern within the downstream drainage features.

The created riparian habitat will function as a linear boundary between the developed portion of the WLCSP and the open space associated with the SJWA. This boundary area will be part of the 250-foot buffer area that is proposed between the WLCSP and the SJWA. The riparian habitat will provide a nature barrier or wall, which will assist in blocking nuisance light, muffling excessive noise, and

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

knock down air emissions to minimize air quality impacts to the adjacent SJWA. In addition, street sweeping will provide an initial water quality element. The detention basins will provide a secondary treatment for water quality as well as provide a catchment area for debris and trash. Riparian habitat created in the spreading basins, will provide a tertiary treatment for water quality. It is anticipated that all storm flows and nuisance flows will be treated to a point where it will be of beneficial use within the spreading grounds and riparian habitat will not be affected by on-site and off-site pollution sources.

The impermeable surface of roads and buildings will increase the amount of run-off during storm events. In addition, nuisance-flows from irrigation systems used for landscaping will also increase the amount of available moisture. The detention basins with spreading grounds will be designed to contain the additional flows that will be received from the new development and at the same time will allow downstream flows at the current rate. Downstream flows are required to be maintained at current conditions with regard to flow rate. No more and no less water will be available during storm events.

Routine maintenance within the detention basins with spreading structures will be completed on an as-needed basis to maintain the integrity of the facilities. A Biological Resource Management Plan (BRMP) will be prepared to document maintenance activities within the riparian areas prior to issuance of any permits for development along the southern boundary of the site per (MM 4.4.6.4F). Maintenance activities will include, but are not limited to, trimming, tree removal, weeding, and seeding. Vegetation thinning will only be necessary if the plants within the detention basins becomes a potential risk to the integrity of the facility (refer to Section 4.9 in the DEIR. Also, refer to Appendix J of Volume 2 of the FEIR).

In addition, all project operations within the WLCSP will be required to prepare a Water Quality Management Plan (WQMP), which will specifically detail all of the required safety precautions necessary to eliminate the risk of toxic contamination to any downstream water body. The WQMP will contain specific project design features just as street sweeping and trash removal practices that will reduce trash impacts to the SJWA. All project construction activities within the WLCSP will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP), which will also contain detailed precautions necessary to eliminate trash to any downstream water body. All development within the project area will be required to obtain a statewide general National Pollutant Discharge Elimination System (NPDES) construction permit for all construction activities associated with the proposed project and will be subject to the County of Riverside's regulations to implement the NPDES program. The NPDES requirements are discussed in detail in Section 4.9 of the DEIR, *Hydrology and Water Quality*. A long-term storm water management plan is required to maintain debris basins and provide long-term maintenance objectives to allow storm water to be filtered and used in supporting on-site riparian habitat as part of the projects mitigation area.

Response to Comment B-3-37. The commenter states the buffer around Drainage 9 should be increased and the addition of any proposed structures be reconsidered. Drainage 9 is currently a highly eroded drainage feature with low to moderate quality habitat. The majority of the channel contains an unvegetated channel with sparse vegetation. Currently, the plan for this drainage is to redesign this feature to have better function and value than the highly eroded feature it is today. As discuss in Section 4.4.6.3A of the DEIR, a 25-foot buffer area will be vegetated with native plant species on either side of the drainage. Currently, the extensive agricultural areas are disked to the edge of the drainage feature, leaving no buffer area to the existing drainage feature. This additional 25-foot buffer of native plants is sufficient to provide a barrier between the existing drainage feature and the proposed development.

The improvements associated within Drainage 9 include the reconstruction of the existing Alessandro Boulevard and re-grading the upstream portion of the channel to fit a more natural flowing drainage feature. Several drop structures are proposed within Drainage 9 to reduce flow velocity, which will reduce erosion and provide a greater area to create additional riparian habitat that would normally be

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

scoured during storm events. This will reduce the amount of erosion and downstream sediment deposition. All of the proposed improvements within Drainage 9 are necessary to protect the drainage and greatly increase the function and value of the drainage.

Response to Comment B-3-38. The Department recommended the DEIR be revised to include specific and detailed plans for all drainage control facilities. The project's drainage design will mitigate impacts from the project so that the flows, volumes, and velocities mimic existing conditions leaving the project's boundary. Additional information has been added to DEIR Appendix J *Hydrology and Water Quality Master Plan of Drainage Report Section 3.2, Proposed Drainage Systems* to provide more specific information for the drainage systems. In addition, Figure 1, *Proposed Storm Drains and Basins* and Figure 4, *Hydrology Map for Proposed Condition* were revised and Figure 8, *Typical Detention Basin* and Figure 9, *Typical Detention Basin with Drainage Spreading Structure* were added to provide additional information (refer to Appendix J of Volume 2 of the FEIR). Key elements of the revised Section 3.2 *Proposed Drainage Systems* in the technical study are summarized below.

Proposed Drainage Systems

Development of the proposed project site will increase the impervious surface due to the construction of the projects' buildings, roadways and associated improvements. The improvements will have the potential to increase storm water runoff. Underground drainage systems and detention and infiltration basins are proposed to convey the storm water runoff and mitigate the increased flow due to the proposed land development. Ultimately, for the proposed condition, the peak flows, volumes, and velocities at downstream discharge points where the flows exit the southerly project boundary will mimic the existing condition.

Six (6) major drainage systems are proposed, named Line "A" (referred to Line "F" in the Moreno Master Drainage Plan (MMDP)), Line "B", Line "C", Line "D", Line "E" and Line "F", shown on Figure 1. The majority of the Line "E" will remain as is; with one exception: a cross culvert is proposed where Line "E" crosses the proposed Street C, and a proposed Line "E-1" 96-inch reinforced concrete pipe (RCP) will join the existing Line "E" at the bridge/culvert. The information is summarized in Table B-3.B below.

Table B-3.B Project Proposed Condition for 100-year 3-hour Storm Event

Drainage System	Watershed	Discharge Point	Manning's n	Peak Flow (cfs)	Preliminary Sizing
"A"	"A"	A4	0.015	2,170	12'x9' and 12'x8' RCBs
"B"	"B"	B5	0.015	930	72" and 96" RCPs
"C"	"C"	C4	0.015	750	96" RCP
"D"	"D"	D3	0.015	705	96" RCP
*	"D"			90	-
"E" **	"E"	73	0.015	1,800	12'x8' RCB***
"E-1"	"E"	72	0.015	540	90" RCP
"F"	"F"	F2	0.015	350	72" RCP
*	"F"			40	-

* Basin only

**The Line "E" is the existing earthen channel to be protected in place except at Street C.

***See Figures 1 and 4 for bridge/culvert location at Street C

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Combined detention and infiltration basins are proposed to mitigate the peak flow rate and flow volumes. Table B-3.C presents the sizes of each of the basins. Two separate analyses were performed for the detention and infiltration basins. The first analysis was part of the drainage system analysis to size the basins to mitigate the flow from the 100-year, 3- and 24-hour storms. In this analysis the bottom 2 feet of the basins (identified as Basin Infiltration Depth in Table B-3.C) is infiltration storage and assumed to be full prior to the storm. The second analysis was performed to analyze the pre- and post-project infiltration for the project. This is a water balance model analysis of historical daily runoff.

Table B-3.C: Proposed Basins

Basin No.	Approx . Basin Length (ft)	Approx . Basin Top Width (ft)	Basin Depth h (ft)	Basin Detention Depth (ft)	Basin Infiltration Depth (ft)	Side Slope	Basin Detention Volume (ac-ft)	Basin Infiltration Volume (ac-ft)	Total Basin Volume (ac-ft)
Basin A1	1,200	1,260	8	6	2	2	97	32	129
Basin B1	540	240	8	6	2	2	12	4	16
Basin B2	1,140	240	8	6	2	2	41	14	55
Basin B3*	2,520	360	5	3	2	2	45	30	75
Basin C1	1100	360	8	6	2	2	80	27	107
Basin C2*	6,120	120	5	3	2	2	73	49	122
Basin D1	960	600	6	4	2	2	42	14	56
Basin D2*	2200	120	5	3	2	2	28	18	46
Basin E1	960	480	6	4	2	2	26	8	34
Basin F1*	2300	120	5	3	2	2	18	12	30
Basin F2*	840	120	5	3	2	2	7	4	11

*spreading basin

There is no offsite debris basins proposed. The proposed drainage facilities in the WLC project have been sized to convey the expected sediment load. As such, debris basins upstream of Gilman Springs Road are not needed nor required for this project. The project onsite area will not generate significant amount of sediment due to the proposed logistics land use. The sediment that proceeds through the Gilman Springs Road culverts will be transported to the proposed detention basins on the WLCSP area. The proposed basins will settle the sediment before exiting the project boundary, similar to how the sediment settles in the existing channels and overland area in the existing condition.

Mitigation of Impacts

The mitigation of impacts of the facilities is discussed in the DEIR Appendix J *Hydrology and Water Quality Master Plan of Drainage Report Section 4, Mitigation of Impacts of Proposed Development*. Key elements are summarized below.

Drainage Area Comparison

For the existing condition, the boundaries of sub-watersheds are determined based on the topographic characteristics. For the proposed condition, the boundaries of the sub-watersheds are altered slightly to accommodate the proposed grading and roadways. As a result, the tributary areas

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

of the proposed sub-watersheds are slightly different compared to the existing condition. However, the proposed boundaries are generally consistent with the existing boundaries. The proposed project will not alter the existing drainage pattern flowing southerly throughout the project site. All flow from offsite and onsite will drain to Perris Valley hydro-subarea or Gilman Springs hydro-subarea. The total drainage areas of proposed condition remain the same as the existing condition, as presented in Table B-3.D.

Table B-3.D: Comparison of Existing and Proposed Drainage Areas

Exist. Condition			Prop. Condition		
Watershed	Area(ac)	Hydro-Subarea	Watershed	Area (ac)	Hydro-Subarea
"A"	2,657	Perris Valley	"A"	2,746	Perris Valley
"B"	1,361	Gilman Hot Springs	"B"	1,147	Gilman Hot Springs
"C"	1,061	Gilman Hot Springs	"C"	1,149	Gilman Hot Springs
"D"	965	Gilman Hot Springs	"D"	1,013	Gilman Hot Springs
"E"	2,510	Gilman Hot Springs	"E"	2,545	Gilman Hot Springs
"F"	445	Gilman Hot Springs	"F"	399	Gilman Hot Springs
Total	8,999			8,999	

Stormwater Runoff Comparison

The proposed project will increase the percentage of impervious areas and will have the potential to increase peak discharges. The proposed detention/infiltration basins and spreading areas will mitigate the increased peak discharges. With attenuation, the total peak discharge at the project's southerly boundary will be less than the total peak discharge of the existing condition. Table B-3.E compares the peak discharges at the downstream discharge points where the storm water runoff exits the project's southerly boundary for 100-year 3-hour storm events.

Table B-3.E: Comparison of Existing and Proposed Stormwater Runoff for 100-year 3-hour Storm

Hydro-Subarea	Watershed	Exist. Condition		Prop. Condition	
		Discharge Point	Peak Discharge(cfs)	Discharge Point	Peak Discharge (cfs)
Perris Valley	"A"	78	2,470	A4	2,170
	Total		2,470		2,170
Gilman Hot Springs	"B"	12	430	B5 930	
	"B"	22	700		
	Subtotal		1,130		930
	"C"	37	705	C4 750	
	"C"	41	115		
	Subtotal		820		750
	"D"	53	600	D3	705
	"D"	61	215	*	90
	Subtotal		815		795
	"E"	73	1,990	73	1,800
	Subtotal		1,990		1,800
	"F"	81	100	** 40	

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table B-3.E: Comparison of Existing and Proposed Stormwater Runoff for 100-year 3-hour Storm

Hydro-Subarea	Watershed	Exist. Condition		Prop. Condition	
		Discharge Point	Peak Discharge(cfs)	Discharge Point	Peak Discharge (cfs)
Perris Valley	"A"	78	2,470	A4	2,170
	Total		2,470		2,170
Gilman Hot Springs	"B"	12	430	B5 930	
	"B"	22	700		
	"F"	93	120	F2 350	
	"F"	102	140		
	"F"	112	135		
	Subtotal		495		390
	Total		5,250		4,665

* Outflow from Basin D3.

** Outflow from Basin F3.

Flows at Project Boundary

Flows exiting the project's boundary in the proposed condition will mimic existing conditions. There are six watershed areas and drainage courses that deliver flow through the project area. These are identified as watershed areas "A" through "E" on Figure 3. The existing capacity of these drainage courses at the project boundary was determined. Flows in excess of this capacity would flow overland and sheet flow across the project boundary in the existing condition. Detention Basins and spreading area facilities are proposed to reduce the proposed conditions flow to pre-project conditions at the project boundary. Table B-3.F identifies the existing and proposed 100-year flow, the drainage course capacity, and the sheet flow at the project boundary.

Table B-3.F: Comparison of Existing and Proposed Flows at Project Boundary

Watershed	Existing Conditions at Project Boundary			Proposed Conditions at Project Boundary		
	Existing 100-year Flow (cfs)	Existing Drainage Course Capacity (cfs)	Existing 100-year sheet flow (cfs)	Proposed 100-year Flow (cfs)	Proposed 100-year flow from Basin to Drainage Course (cfs)	Proposed 100-year sheet flow from Basin (cfs)
A ¹	2,470	2,200	270	2,170	N/A	N/A
B	1,130	55	1,075	930	55	875
C	820	165	655	750	165	585
D	815	65	750	795	65	730
E ²	1,990	6,220	0	1,800	N/A	N/A
F	495	70	425	390	70	320

Notes:

¹ Flows to improved channel - No sheet flow proposed in proposed conditions.

² Existing facility has capacity for flow – No detention basin proposed.

Flow Velocities at Project Boundary

This project proposes a number of open space, detention basins and spreading areas (shown in Figure 1 and Figure 4) to mitigate the increased runoff, volumes and flow velocities. As a result, the flow velocities at the project boundary for the proposed condition are less than the existing condition, as illustrated in Table B-3.G. For the watersheds “A” and “E” in the proposed condition, the runoff will flow to the existing Green Belt Channel and existing earth channel, respectively. Therefore, sheet flow would not occur at the project boundary. The flow velocities in the watersheds “B”, “C”, “D”, and “F” for the proposed and existing conditions were analyzed. For the proposed condition, the runoff will flow to the basins and spreading areas, then flow over the weir structures, and eventually flow to the existing channels downstream of the project’s boundary. Flows in excess of channel capacity would flow overland and sheet flow across the project’s boundary. For the existing condition, the runoff would flow in to the existing drainage channels, and the flow in excess of channel capacity would flow overland and sheet flow across the project’s boundary.

Table B-3.G: Comparison of Existing and Proposed Flow Velocities at Project Boundary

Exist Watershed	Node*	Velocity (fps)	Prop Watershed	Node*	Velocity (fps)
B	12	5.16	B	B5	2.19
	22	4.40			2.19
C	37	8.80	C	C4	2.01
	41	3.60			2.01
D	53	4.77	D	D3	2.10
D	61	4.45			2.10
F	81	3.33	F	F2	1.78
F	83	6.29			1.78
F	102	3.61			1.78
F	112	3.83			1.78

* See Figure 3 for node locations at existing watershed southerly boundary, and see Figure 4 for node locations at proposed watershed southerly boundary.

Runoff and Infiltration Volumes Comparison

An analysis and comparison of the volume of runoff and infiltration for the pre and post project conditions was performed as outlined in the *Master Plan of Drainage Report Appendix H*. A total of three scenarios were analyzed, a baseline and two project scenarios. The scenarios are described below:

Baseline or Pre-Project conditions, where most of the land use is agricultural and the crop is considered to be dry wheat.

Scenarios of Post-Project Conditions, where the development of the site will happen and the impervious area will increase. Two scenarios were considered under the Post-development conditions, those are:

Scenario 1) Detention Basins and bio retention areas with 0.15 inch per hour (in/hr) infiltration rate. This scenario considers the use of detention basins not only for storm peak attenuation but also for infiltration. The lower end of the minimum infiltration rate for soil type B is considered. The detention basins are assumed to take 3 days to empty and total dead storage currently assumed at 212 acre feet (AF). In reality the amount of dead storage needed will be a function of the measured infiltration rate at the site.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Scenario 2) Detention Basins and bio retention areas with 0.3 in/hr infiltration rate. This scenario considers the use of detention basins not only for storm peak attenuation but also for infiltration. The higher end of the minimum infiltration rate for soil type B is considered. The detention basins are assumed to take 3 days to empty and dead storage is assumed at 212 AF.

The results of the analysis are summarized in Table B-3.H below.

Table B-3.H: Model Results for Runoff and Infiltration and the Percentage Change from Baseline Conditions

Scenario	Runoff		Infiltration	
	1990-2012 Average(AF/yr)	Percent Change from Baseline	1990-2012 Average(AF/yr)	Percent Change from Baseline
Baseline	59	-	1,649	-
Scenario 1	125	110%	1,850	12%
Scenario 2	40	-33%	1,945	18%

The project's impacts will be mitigated with the implementation of Scenario 2. 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. Infiltration tests to refine Scenarios 1 and 2 will be performed in final design so runoff and infiltration will mimic existing conditions.

Response to Comment B-3-39. The CDFW declares that there is not sufficient information for them to review the potential impacts of the project on water quality; however, the City respectfully disagrees. Specific analysis of anticipated water quality impacts are described in Section 4.9.6.3, *Operation-Related Water Quality Impacts* of the DEIR. The DEIR also includes site design, source control, and treatment BMPs as proposed mitigation measures. The project will comply with the *Water Quality Management Plan (WQMP) 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 MM 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 (WQMP) for the Santa Ana Region of Riverside County* (approved by the Santa Ana Regional Water Quality Control Board October 22, 2012) 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 Total Maximum Daily Loads (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.” (p. 19)

Detailed site plans showing the location of treatment BMPs will be prepared as part of the final project-specific WQMP. Currently, the WQMP is at a Specific Plan level and details cannot be provided at this stage. The locations of the LID BMPs are not shown in the current Specific Plan phase, but will be shown in the final project-specific WQMP.

Also, the project has committed to performing a Water Quality Monitoring Program on the adjacent SJWA. A Water Quality Monitoring Plan for the SJWA will be prepared, which will contain specific performance standards to ensure that runoff does not impact the SJWA. MM 4.9.6.3C outlines a very detailed process that must be implemented to ensure the SJWA will not be affected by water pollution from the project site.

Changes to DEIR

*Consistent with the comments provided by Letter B-3 (California Department of Fish and Wildlife), the text in DEIR Section 4.9.6.1, Page 4.9-30 and 4.9.6.3, Page 4.9-42 is amended to include more specific requirements to **MMs 4.9.6.1A**, and **4.9.6.3C**. **MM 4.9.6.1B** has been added to ensure the performance and monitoring of the drainage facilities. The modified mitigation measures resulting from the comment is not considerable, and is considered to be a minor refinement of the existing measures. The change to the DEIR does not result in a significant impact and has no material effect on the findings of the EIR. The revisions to the text of the DEIR are as follows:*

4.9.6.1A Prior to issuance of ~~any development~~ any building permit within the Specific Plan area, the developer shall ~~place~~ construct storm drain pipes and conveyances, as well as, combined detention and infiltration basin(s), bioretention areas, and spreading area(s)–as appropriate within each proposed watershed, as outlined in the project hydrology plan, to mitigate the impacts of increased peak flow rate, velocity, flow volume and reduce the time of concentration by storing ~~increased runoff for a limited period of a time and release the outflow at a rate that does not exceed the pre-development condition~~ increased runoff for a limited period of time and release the outflow at a rate that does not exceed the pre-development peak flows and velocities for the 2, 5, 10, 25, and 100-year storms and volumes as assessed in the water balance model for historical conditions. For the purpose of this mitigation measure, the term “construct” shall mean to substantially complete construction so as to function for its intended purpose during construction with complete construction prior to occupancy. Field investigations will be conducted to determine the infiltration rate of soils underlying the proposed locations of bioretention areas and detention basins. The infiltration rate of the underlying soils will be used to properly size the bioretention areas and detention basins/infiltration basins to ensure that adequate volumes of runoff, in cumulative total for all bioretention areas and detention basins are captured and infiltrated. The water balance model will be updated and rerun for the site-specific conditions encountered to confirm the water balance. This measure shall be implemented to the satisfaction of the City Engineer. Energy dissipaters shall be used as the spillways of basins to reduce the runoff velocity and dissipate the flow energy. Drainage weir structures shall be constructed at the downstream end of the watersheds flowing to the San Jacinto Wildlife Area to control the runoff and spread the flow ~~in such a way~~ that the flows exiting the project boundary will return to the sheet flow pattern similar to the existing condition. Detention basins and spreading areas shall be designed to account for the amount of the sediment transported through the project boundary so that the existing sediment carrying capacity is maintained.

4.9.6.1B The bioretention areas and detention/infiltration basins shall be designed to assure infiltrations rates. The monitoring plan will follow the guidelines presented by the

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

California Storm Water Quality Association (CASQA) in the California Storm Water Best Management Program (BMP) Handbook, Municipal, January 2003 Section 4, Treatment Control Best Management Programs Fact Sheets TC-11 Infiltration Basin and TC-30 Vegetated Swale).

For the Bioretention areas, as needed maintenance activities shall be conducted to remove accumulated sediment that may obstruct flow through the swale. Bioretention areas shall be monitored at the beginning and end of each wet season to assess any degradation in infiltration rates. The maintenance activities should occur when sediment on channels and culverts builds up to more than 3 inches (CASQA 2003). The swales will need to be cultivated or rototilled if drawdown takes more than 48 72 hours.

For the detention/infiltration basins, a 3-5 year maintenance program shall be implemented mainly to keep infiltration rates close to original values since sediment accumulation could reduce original infiltration rate by 25-50%. Infiltration rates in detention basins will be monitored at the beginning and end of each wet season to assess any degradation in infiltration rates. If cumulative infiltration rates of all detention basins drops below the minimum required rates, then the detention basins will be reconditioned to improve infiltration capacity by scraping the bottom of the detention basin, seed or sod to restore groundcover, aerate bottom and dethatch basin bottom (CASQA 2003).

4.9.6.3C

Prior to issuance of future discretionary permits for any development along the southern boundary of the World Logistics Center Specific Plan (WLCSP), the project developer of such sites, in cooperation with the Property Owners Association (POA), shall establish and annually fund a Water Quality Mitigation Monitoring Plan (WQMMP) to confirm that project runoff will not have deleterious effects on the adjacent San Jacinto Wildlife Area (SJWA). This program shall include at least quarterly sampling along the southern boundary of the site (i.e., at the identified outlet structures of the project detention basins) during wet season flows and/or when water is present, as well as sampling of any dry-season flows that are observed entering the San Jacinto Wildlife Area property from the project property, including Drainage "H," 9, which is planned to convey only clean off-site flows from north of the World Logistics Center Specific Plan site across Gilman Springs Road. The program shall also include at least twice yearly sampling after completion of construction, and a pre-construction survey must be completed to determine general water quality baseline conditions prior to and during development of the southern portion of the World Logistics Center Specific Plan. This sampling shall be consistent with and/or comply with the requirements of applicable Storm Water Pollution Prevention Plans (SWPPPs) for the development site.

The project developer of sites along the southern border of the World Logistics Center Specific Plan shall be responsible for preventing or eliminating any toxic pollutant (not including sediment) found to exceed applicable established public health standards. In addition, the discharge from the project shall not cause or contribute to an exceedance of Receiving Water Quality Objectives for the potential pollutants associated with the project as identified in Table 4.9.J. Once development is complete, the developer shall retain qualified personnel to conduct regular (i.e., at least quarterly) water sampling/testing of any basins and their outfalls to ensure the San Jacinto Wildlife Area will not be affected by water pollution from the project site. The City Planning and/or Land Development Division shall file an annual water quality report with the Moreno Valley City Council, State Department of Recreation (Mystic Lake Manager), and Eastern Municipal Water District. This measure shall be implemented to the satisfaction of the City Planning Official Land Development

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Division Manager based on consultation with the project developer, Eastern Municipal Water District, the Regional Water Quality Control Board-Santa Ana Region, and the Mystic Lake Manager.

Table B-3.I: WLC Specific Plan Potential Pollutants

Pollutants	Specific Plan Land Use	Is/Does the Pollutant?	
		Have a Potential to Occur?	Impaired in Receiving Waters?
Sediments	Landscape/Open Areas	Yes	No
Nutrients	Industrial/Commercial Areas	Yes	Yes
Toxic Organic Compounds	Industrial/Commercial Areas	Yes	Yes
Trash and Debris	Industrial/Commercial Areas	Yes	No
Bacterial Indicators	Industrial/Commercial Areas	Yes	Yes
Oil and Grease	Industrial/Commercial Areas	Yes	No
Pesticides	Industrial/Commercial Areas	Yes	Yes
Metals	Industrial/Commercial Areas	Yes	No

Source: *Preliminary Water Quality Management Plan for World Logistics Center Specific Plan*, CH2M HILL, September 2014.

In summary, the City disagrees with the CDFW's position that there is not sufficient information for them to review the potential impacts of the project on water quality. The DEIR does contain sufficient information upon which to review the programmatic elements of the WLC project. The EIR has been prepared at the earliest appropriate time as encouraged by CEQA, although there is not detailed information yet on the size and location of specific buildings. When specific buildings are proposed at specific locations in the future, additional analysis, consistent with tiering under CEQA, will be conducted to determine if the specific development will have new or more extensive impacts than those outlined in the WLC project DEIR. This process is consistent with the goals and requirements of CEQA relative to programmatic and subsequently tiered project-level CEQA documents. The hydrology and water quality documents provided in the DEIR, and revised and attached to this FEIR, demonstrate the project will not have significant water quality impacts, based on the conceptual design of the WLC project and with implementation of the programmatic mitigation outlined in Section 4.8 of the DEIR.

Response to Comment B-3-40. The CDFW 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 original purpose of the CDFW land is 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*

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

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, 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.

Response to Comment B-3-41. The commenter raises no issue with the adequacy of the DEIR and no response is required. The City Council will consider all comments received during its consideration of the project.

The commenter raises a concern with the labeling of a setback area proposed along the southerly edge of the Specific Plan. The commenter is concerned with its designation as a “setback” or a “buffer” because the Specific Plan permits limited improvements (drainage, access, landscaping, fencing, etc.) within the 250-foot area. Buildings and truck access/parking are prohibited in this area. The issue is one of semantics. The City Council will consider the appropriateness of the proposed 250-foot setback when it considers the proposed Specific Plan.

Response to Comment B-3-42. Detailed information regarding fuel management, water quality, lighting, noise, trash, predation effects, vector control, and GHG emissions is included in the Urban / Wildlands Interface Guidelines Section (Section 6.1.4) of the updated MSHCP Consistency Analysis report (FCS/MBA 2013-FEIR Volume 2 Appendix E-1).

The CDFW Conservation Buffer Area is a 910-acre parcel owned by the State of California as part of the larger 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 is currently is being dry farmed. This farming activity extends approximately 2,800 feet south of the proposed WLC project area and forms a buffer between the WLC development and the sensitive biological resources of the SJWA. See DEIR Figure 3.3. The nearest existing sensitive biological resource within the SJWA are wetlands areas which are located an additional 1,200 feet south of the CDFW Conservation Buffer Area. The total distance between the proposed project and sensitive biological resources on the SJWA is approximately 4,000 feet (3/4 mile). In addition to this buffer area on the SJWA property, the WLC project is providing an additional 250-foot buffer area to further distance the future urban uses of the WLC from the existing sensitive biological resources of the SJWA. This distance is substantial larger than the 250 meters (820.3 feet) suggested by the commenter.

As outlined in the DEIR there are a number of alternative approaches to setting an “appropriate” buffer distance between human activity and active urban uses. These buffer areas are usually used in relation to wetlands areas and are generally defined in feet measured horizontally from the edge of a defined wetland (McElfish 2008). Enacted Local government buffer ordinances show a wide range of wetland buffer dimensions. The shortest that was found was 15 feet measured horizontally from the

border of the wetland, with the largest being approximately 350 feet. Several ordinances set 500 feet as a distance for greater regulatory review of proposed activities, but do not require non-disturbance at this distance. (McElfish 2008). A minimum 250-foot setback is supported by a compilation of available academic and scientific literature and studies on wildlife impacts from diesel emissions, and also the distance established in nesting bird surveys for setbacks from human activity. A total setback of 400 feet to WLCSP buildings will help provide an additional buffer from building lighting and noise. Together, two buffer areas totally 400 feet in width will effectively mitigate potential direct and indirect impacts on the SJWA to indirect noise, light, and air quality impacts.

The CDFW Conservation Buffer Area, the entirety of which is currently being dry farmed, appears to be disked at least once each year and planted with winter wheat and likely provides foraging area for wintering raptors and game birds. CDFW typically does not have any kind of setback requirements from foraging bird areas. Additionally the closest wetland/riparian habitat are more than 4,250 linear feet from the southern edge of the WLCSP boundary. Since the project is setback more than the typical setbacks to protect wetlands and nesting birds no additional setback is required. Providing additional on-site setback/buffer area as suggested by the commenter would ignore the existence of a substantial distance between the existing sensitive environmental resources of the SJWA (wetlands and nesting habitat) and the proposed project. In addition, no resource agency or conservation group has provided any scientific evidence that a 250-meter onsite buffer is necessary to protect SJWA resources, and the EIR and this response have demonstrated that the proposed 250-foot buffer and additional 150-foot building setback will be sufficient to protect biological resources. Therefore, no additional mitigation is required.

Response to Comment B-3-43. The commenter states that the CDFW is concerned about the appropriateness of MM 4.4.6.2A, 4.4.6.4C, and 4.4.6.4E. The proposed 250-foot buffer area will incorporate many types of land-use options as part of the buffer area. The buffer area is approximately 70-acres; nearly half of the area will be used for detention basins with spreading structures and the creation of riparian habitat. While the buffer area will include some limited access drives, the detention basins and landscaping will separate the primary project area from the more sensitive habitat areas to the south. The vegetation and landscaping berms will help screen the adjacent habitat from lighting, attenuate noise, and assist in dropping out air-borne pollutants. Based on the most recent focused protocol level surveys, sensitive plant and LAPM are considered absent from the project site and will not require relocation (FCS/MBA 2013-FEIR Volume 2 Appendix E-1).

A single pair of burrowing owl was observed within the entire WLCSP area (FCS/MBA 2013-FEIR Volume 2 Appendix E-1). A single pair of burrowing owl typically requires a minimum of 6.5 acres (CDFW 1998). Since there have been no observation of burrowing owl within the CDFW Conservation Buffer Area (RCA Data 2013), the relocation of a single pair of burrowing owl to a portion of the buffer area will be more than sufficient habitat. In addition, artificial burrows will be installed along the southern berms of the detention basins to assist in establishing a larger population of burrowing owl within the adjacent SJWA. The buffer area will be designed to provide higher quality riparian habitat than the poor quality habitat that currently occurs with the WLCSP. The riparian habitat within the basins will not provide any suitable habitat for burrowing owl, but the southern berm can be used to establish artificial burrows, which will be used by passively relocated burrowing owls. The burrowing owls will be relocated to the southern berms of the detention basins adjacent to the SJWA, which along with portions of the project site, will be more than sufficient to support at least a single pair of burrowing owl.

Response to Comment B-3-44. This commenter restates an earlier comment that says the State-owned SJWA cannot serve as mitigation for project impacts. The DEIR should be revised to remove the SJWA as a mitigation for the potentially significant impacts of air quality. The portion of the SJWA immediately south of the WLCSP, which is part of the General Plan amendment, was purchased for, among other things, to function as a buffer area between the proposed development area and the

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

SJWA. The project simply changes the General Plan and zoning of the CDFW acquisition to Open Space. This portion of the SJWA was not included in the original conservation area set forth in MSHCP for Core Area H.

The 250-foot setback area will be created with a number of design features that will reduce the significant impacts associated with air quality. Perimeter walls will be created that provide a physical barrier to reduce the amount of air pollutants that leave a project site. In addition, riparian vegetation and trees will be planted along the southern boundary of the WLCSP as another barrier to reduce air quality impacts. The creation of the 250-foot buffer, along with the additional riparian vegetation and barrier wall, will assist in reducing indirect air quality impacts on the SJWA.

Response to Comment B-3-45. The commenter states that direct and indirect impacts to biological resources due to greenhouse gas emission should be included in the cumulative impacts analysis. Section 4.4.7 of the DEIR discusses Cumulative Impacts to biological resources with regard to the MSHCP, which is a regional planning document that provides for long-term conservation goals for the western Riverside County area. The DEIR does not discuss cumulative impacts with regard to sensitive habitats or species that are not covered under the MSHCP. CEQA requires the discussion of the cumulative impacts of proposed projects. The WLCSP was assessed based on closely related past, present, and future projects that may be developed in the near future. Cumulative impacts are typically analyzed using either a List Method or a Regional Growth Projection Method. Since the WLCSP is a program-level document, the Regional Growth Project Method is an appropriate methodology to evaluate cumulative impacts. The project related impacts associated with the WLCSP were assessed based on the contribution to cumulative impacts on a regional basis.

Adoption of the City of Moreno Valley General Plan EIR did not result in significant direct impacts to existing biological resources. All future development projects anticipated in the General Plan can feasibly be mitigated to less than significant levels and therefore, would not contribute to a cumulative impact on a regional basis. However, adoption of the General Plan would lead to future indirect impacts through approval of development projects within the City of Moreno Valley.

MMs 4.4.6.1A-B, 4.4.6.2A-B, 4.4.6.3A-C, and 4.4.6.4A-I, as listed in Section 4.4 of the DEIR, will reduce the project related impacts to a level less than significant. As a result, the contributions of impacts associated with project within the WLCSP are fully mitigated and will not contribute to cumulative impacts within the region.

Adoption of the City of Moreno Valley General Plan EIR did not result in significant direct impacts associated with GHG emissions; however, adoption of the General Plan would lead to future indirect impacts through approval of development projects within the City of Moreno Valley.

Project-related impacts resulting in quantifiable direct impacts to biological resources from GHG emissions would be addressed subsequently through analysis at a lower tier, project-specific level of environmental review. MM 4.7.6.1A, as listed in the DEIR, will reduce help reduce programmatic GHG impacts to less than significant levels.

The CDFW comments that cumulative effects analysis should be developed as described under CEQA Guidelines Section 15130. Cumulative impacts should include the project's contribution to greenhouse gas emissions and impacts on regional air quality. Include all potential direct and indirect project related impacts to streambeds, riparian areas, wetland, vernal pools, alluvial fan habitats, wildlife corridors, wildlife foraging habitats, or wildlife movement areas, aquatic habitats, sensitive species, and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis.

A complete discussion of the impacts to biological resources can be found in the project MSHCP/DBESP document contained in Appendices E of the FEIR Volume 2.

Cumulative greenhouse gas emissions were assessed in the DEIR Section 4.7 on pages 4.7-43 and 4.7-44 and were found to be significant. However, as shown in the FEIR, these impacts are now less than significant in the FEIR.

The commenter indicates that the greenhouse gas section does not provide an analysis on how this level of greenhouse gas emissions will impact the surrounding area or region. There are no models available to identify how the relatively small quantity of project emissions will influence the surrounding area. The current climate models look at the global climate and global emissions. The project's emissions compared with global emissions are relatively small; the emissions would not be perceptible in the global climate models. Pages 4.7-5 and 4.7-6 of the DEIR Section 4.7 explain potential climate change effects to California. Pages 73 through 76 of Appendix D to the DEIR and Section 4.7 in the FEIR Volume 2 explain potential climate change effects (reduction in water supply, increased wildfires, flooding) to Moreno Valley.

Response to Comment B-3-46. It is the CDFW's opinion that the DEIR fails to propose a full range of alternatives. The commenter must remember that alternatives, under CEQA, are designed to reduce or eliminate one or more significant impacts of the proposed project as identified in the DEIR. The WLC EIR did not identify significant impacts of the WLC project on biological resources due to the design of the project and proposed mitigation. Therefore, none of the project alternatives are required to specifically reduce or address biological impacts. The DEIR does present a reasonable range of alternatives given the potential environmental impacts of the project.

Response to Comment B-3-47. It is the CDFW's opinion the DEIR should include an evaluation of specific alternative locations with lower resource sensitivity. The project biological reports do not identify any "Rare Natural Communities" present on the project site or in any of the offsite improvement areas. The biological reports also conclude the project site contains minimal biological habitat and consists mainly of dry-farmed agricultural land. The biological reports conclude the project site does contain any MSHCP criteria cells, and evaluates all potential project impacts to MSHCP criteria cells both onsite and south and east of the site, and determined there would be no significant impacts on the cells from project implementation. A portion (southwest corner) of Criteria Cell 1204 is located on the WLCSP site (refer to Figure 4.4.3 of the DEIR, Section 4.4 Biological Resources). The western on-third of Criteria Cell 1297 is also located on the WLCSP site. According to DEIR, Section 4.4.1.15 (f), *'Within the southwestern portion of Cell Group X, and specifically within Criteria Cells 1204 and 1297, the project area encroaches on 114.2 acres. Under the MSHCP, conservation for Cell Group X is proposed for the northeastern portions of the Cell Group. The project area is not within the targeted conservation areas and, therefore, will not adversely affect the County's ability to achieve the goals of the MSHCP (see Figure 4.4.4).'*" Cell Group D: Criteria Cells 1364, 1370, 1377, 1386, 1389, 1477, 1482, 1483, and 1577 are located along the southern boundary of the WLCSP site. According to DEIR Section 4.4.1.15 (h), *"Under the MSHCP, conservation for Cell Group D is proposed for the southern and western portions of the Cell Group. The project area includes approximately 60 percent of the northern portion of the Cell Group; therefore, future development of the project area is consistent with the conservation goals for this cell group. The majority of Cell Group D is within the northern extent of SJWA, a Public/Quasi-Public Conserved Land. This area is part of the SJWA and designated as conserved by the CDFW. It is designated as the Conservation Area and is not proposed for development under the project. Any development within land adjacent to Cell Group D (and the SJWA) must incorporate urban edge design features to minimize any potential impacts to the SJWA."*

Response to Comment B-3-48 The commenter states the CDFW does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Based on the DEIR, three species were recommended for relocation, salvage, and/or transplantation. Based on current survey findings, LAPM and/or sensitive plant species are absent from the WLCSP and will not require any type of relocation, salvage, and/or transplantation.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The only species that may require relocation is burrowing owl, which has been an acceptable way of avoiding impacts to burrowing owl throughout Riverside County.

Prior to construction of any of the proposed projects within the WLCSP, a 30-day pre-construction survey will be required for burrowing owl. If burrowing owl are observed during the 30-day preconstruction and is outside of the nesting season (February to August), then passive relocation of the owls is an acceptable means of minimizing impacts. A burrowing owl relocation plan will be prepared to describe the methods of relocation as well as a description of artificial burrow construction and proposed location of artificial burrows within the 250-foot buffer area or other suitable location. The burrowing owl relocation plan will be reviewed and approved by CDFW prior to implementation.

Response to Comment B-3-49 This commenter states the DEIR contains inadequate biological data. A revised MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1) has been included, which updates surveys for burrowing owl and LAPM. A recent sensitive plant survey was not conducted due to the severe drought conditions within the region over the past three years. However, due to the disturbed nature of the WLCSP, very little suitable habitat occurs within the project site for sensitive plant species. Those areas that do provide some habitat were previously surveyed during a year with adequate rainfall (2010), but no sensitive plant species were observed.

Based on the most current information available, sensitive plant species are not likely to occur within the project site. However, for those area within WLCSP that contain some suitable habitat for sensitive plant species, which include areas of native vegetation such as Riversidean sage scrub and chaparral, additional focused surveys for sensitive plant species shall be required during the year the project-level CEQA document is prepared.

Response to Comment B-3-50. The CDFW recommends that the jurisdictional delineation be revised to include all jurisdictional areas per the CWC's definition of *Waters of the State*. An updated wetland delineation report (2013) was prepared to address concerns regarding regulatory agency jurisdiction over the drainage features within the WLCSP. The previous jurisdictional delineation assumed CDFW jurisdiction over a select portion of Drainages 7 and 9. All identifiable and potentially jurisdictional drainages on the site were mapped and included in the draft Program EIR and the draft wetland delineation. Prior to any future development, specific project proposals will have to undergo separate environmental review under CEQA and will be required to secure a formal jurisdictional determination from the CDFW.

The applicant shall secure a jurisdictional determination with the CDFW to determine if drainage features mapped on the property are subject to jurisdictional authority and protection. If the features are subject to regulatory protection, the applicant will apply for a Streambed Alteration Agreement prior to initiation of construction.

The updated jurisdictional delineation report assumes CDFW jurisdiction over the entire length of Drainages 7, 8, 9, 12, and 15. A maximum of 5.0 acres may be under CDFW jurisdiction. Mitigation for impacts to no more than 5.0 acres of waters of the State will be mitigated by the creation of a minimum of 5.0 acres of habitat creation or purchase of credits at an approved mitigation bank. MMs 4.4.6.3A and 4.4.6.3B address potentially significant impacts to waters of the state.

Any impact to drainage features that are under CDFW jurisdiction will require compensatory mitigation at a minimum of a 1:1 mitigation ratio through onsite creation, off-site creation, or purchase of available mitigation credits through an approved mitigation bank. Compensatory mitigation will be negotiated during the permit acquisition process.

Response to Comment B-3-51 The commenter recommended analysis of several potential impacts to wildlife resources on the adjacent SJWA and Lake Perris Recreation Area. This response is similar

to Response to Comment B-3-21. Based on the revised MSHCP Consistency Analysis (FCS-MBA 2013-DEIR Volume 2 Appendix E-1), mitigation measures will be imposed by the City of Moreno Valley through its processing of entitlements on a project-by-project basis regarding light, noise, trash, emissions, vectors, fuel management, runoff, and water quality. All project operations within the WLCSP will be required to prepare a WQMP, which will specifically detail all of the required safety precautions necessary to eliminate the risk of toxic contamination to any downstream water body. All project construction activities within the WLCSP will be required to prepare a SWPPP, which will specifically detail all of the required safety precautions necessary to eliminate the risk of construction related contamination to any downstream water body. All development within the project area will be required to obtain a statewide general NPDES construction permit for all construction activities associated with the proposed project and will be subject to the County of Riverside's regulations to implement the NPDES program. The NPDES requirements are discussed in detail in Section 4.9 of the DEIR, *Hydrology and Water Quality*. Lastly, the portions of the WLCSP that are specifically located adjacent to Core Conservation Areas, which are located along the eastern and southern boundary of the WLCSP, will require project specific design features and measures related to light, noise, trash, emissions, vectors, fuel management, runoff and water quality as part of the MSHCP requirements for projects affecting a recognized Urban/Wildlands interface. Mitigation measures include specific project designs such as:

- Light directing/restricting covers on light poles;
- Vegetated buffer along the southern and western edge of the WLCSP to reduce noise
- Street sweeping and trash removal requirements to reduce on-site and off-site trash issues;
- The vegetated buffer mentioned about as well as a perimeter wall will be used to reduce the emissions leaving the WLCSP;
- All detention basins will be designed to facilitate water quality improvements and will require assessments by vector control to reduce or eliminate standing water; and
- The SWPPP and NPDES for each project will adequately address all fuel management, runoff water quality requirements.

Response to Comment B-3-52 The commenter recommended that the project incorporate a setback area along its southern boundaries and not refer to the SJWA as a "CDFW Conservation Buffer Area." It should be noted that the land was purchased as a buffer area to any proposed development within the WLCSP. Currently the land that is within the SJWA that is proposed for a General Plan Amendment, is currently disked as extensive agricultural fields and provides little to no suitable habitat for any sensitive plants or wildlife species. Current land use of the WLCSP would indicate that any adjacent project impacts would not have any significant impacts to actively disked farmlands on the SJWA. The disked farm land extends for 4,500 linear feet before reaching sensitive wetland/riparian habitat associated with the SJWA. Therefore, although the northern portion of the SJWA is not considered mitigation for impacts associated with the WLCSP, it does provide a 4,500 foot buffer between the proposed development and sensitive wetland/riparian habitat associated with the SJWA. Therefore, a 250-foot setback, rather than a 250-meter setback, is sufficient to provide a vegetated buffer between the proposed WLCSP development and the adjacent open space of the SJWA.

Response to Comment B-3-53 The CDFW requested that the revised DEIR incorporate appropriate, species-specific mitigation measure to address potential impacts to species and habitat. Since LAPM and sensitive plants were determined to be absent from the WLCSP, no additional mitigation measures are required since impacts to these species will be less than significant. With regard to burrowing owls, prior to issuance of any grading permits, a pre-construction survey for burrowing owls shall be conducted and a report prepared by a qualified biologist and submitted to the City. This

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

survey shall be required and conducted no more than 30 days prior to initiation of ground disturbing activities. If construction is to be initiated during the breeding season (February through August) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFW and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the Migratory Bird Treaty Act (MBTA) and/or CDFW.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFW and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.

If active nests are identified in a development area, the nests shall be avoided or the owls actively or passively relocated to the 250-foot setback area in the southern portion of the Specific Plan site (see MM 4.4.6.4D). This setback area shall be used as a “conservation area” for burrowing owl or other species of animals or plants that need to be relocated from the portions of the WLCSP site are developed. In the event no burrowing owls have been identified within the limits of ground disturbance, no further mitigation is required. In the event burrowing owls are identified within the limits of ground disturbance, MM 4.4.6.4D shall apply. To avoid active nests adequately, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31) and 160 feet during the non-breeding season.

This measure shall be implemented to the satisfaction of the City Planning Official (MM 4.4.6.4D). If active burrowing owl burrows are detected outside the breeding season, passive and/or active relocation may be undertaken following consultation with and approval by the CDFW and/or USFWS. The installation of one-way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and back filled to ensure that animals do not re-enter the holes/dens. Owls may also be actively relocated on site to the 250-foot clear buffer zone along the southern boundary of the WLCSP or other suitable location, as outlined in MM 4.4.6.4D. This measure shall be implemented to the satisfaction of the City Planning Official.

Response to Comment B-3-54 This commenter advises that the DEIR should provide a thorough analysis of direct, indirect, and cumulative impacts and identify specific measures to offset such impacts. Please refer to Responses to Comments B-3-17, B-3-18, B-3-20, B-3-22, and B-3-23. The FEIR provides a thorough analysis of all direct, indirect, and cumulative impacts at a program-level. Appropriate mitigation measures are recommended to reduce the level of significance to a less than significant level. Please keep in mind that project-specific designs and impacts are not required for a program-level document; however, an appropriate estimation of project related impacts is included in the FEIR, where appropriate.

Response to Comment B-3-55. The commenter has indicated the DEIR failed to evaluate a full range of alternatives, but failed to suggest appropriate feasible alternatives or explain why those evaluated are insufficient. CEQA requires the evaluation of alternatives that reduce or eliminate one or more of the significant impacts identified for a project, however, the DEIR did not identify any significant impacts to biological resources after implementation of the recommended mitigation measures in Section 4.4 of the DEIR. Therefore, there was no requirement under CEQA to evaluate any alternatives that specifically addressed biological resources. It is unfortunate the commenter did not provide additional guidance as to characteristics of an alternative that would be more acceptable to the Department.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment B-3-56. This commenter summarizes all of the CDFW's requests and recommendation for the revised DEIR. The FEIR document includes updated biological reports as recommended by the CDFW, including an updated Jurisdictional Delineation and MSHCP Consistency Reports, and a programmatic DBESP report as recommended by the Department (see FEIR Volume 2 Appendix E). These updated documents support the conclusions of the DEIR (i.e., less than significant impacts to biological resources). The cumulative impact analysis in the DEIR was appropriate for the proposed WLC project, and the DEIR contained a reasonable range of alternatives based on the significant impacts of the proposed project outlined in the DEIR, which did not include biological resources.

Letter B-4: State of California Department of Parks and Recreation (April 8, 2013)



DEPARTMENT OF PARKS AND RECREATION

Major General Anthony L. Jackson, USMC (Ret), Director

Inland Empire District
17801 Lake Perris Drive
Perris, CA 92571
(951) 443-2423

April 8, 2013

Mark Gross
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92552

Subject: Comments on the World Logistics Center Draft Environmental Impact Report
SCH #: 2012021045

Dear Mr. Gross:

The Inland Empire District of the Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the aforementioned project. State Parks is a trustee agency as defined by the California Environmental Quality Act (CEQA). State Parks' mission is to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation. As the office responsible for the stewardship of Lake Perris State Recreation Area (Lake Perris), we have an interest and concern about contemplated alterations of land use adjacent to the park.

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In general, State Parks requests revisions to the proposal and design of the project due to the potential for a substantial number of significant impacts related to ecosystem health, sensitive biological resources and wildlife movement. Furthermore, it appears that the amount of the proposed development is directly proportional to the levels of impact (i.e., the larger the development area, the higher amount of significant impacts).

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For these reasons, we suggest looking at alternatives which reduce the development area, thereby potentially reducing the amount of impact. The following are comments regarding the scope and content of information for inclusion in the draft environmental impact report.

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The DEIR addresses impacts to the California Department of Fish and Wildlife owned and operated, San Jacinto Wildlife Area (SJWA) on numerous occasions but rarely addresses impacts to Lake Perris, while just as with the SJWA, the project shares a boundary with Lake Perris. In many cases it may be appropriate to consider impacts to both units as one large conserved unit; however, the DEIR needs to address direct,

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indirect and cumulative impacts to Lake Perris in all areas of the document independently as well.

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As a signatory to the Western Riverside County Multi-species Habitat Conservation Plan (MSHCP) State Parks is privy to MSHCP biological monitoring program plant and animal survey results and reports. As such State Parks is aware of numerous observations of state and federal listed species as well as MSHCP covered species made by the MSHCP biological monitoring program within or immediately adjacent to the project area which have not been identified or addressed in the DEIR. These omissions need to be addressed in the Final EIR and avoidance and mitigation measures developed for all state, federal and MSHCP plan covered species. State Parks recommends that the project proponents contact the MSHCP monitoring program for the results of its surveys within and adjacent to the project area.

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The DEIR comments on impacts to raptor foraging habitat in section 4.4 on several occasions under the regulatory framework of California Fish and Game Code and California Code of Regulations but fails to address impacts to golden eagle, *Aquila chrysaetos*, foraging under California Fish and Game code or federal Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c). The DEIR needs to address impacts to golden eagle foraging habitat from this project.

6

The DEIR references the MSHCP Fuel Management Guidelines and agrees to incorporate all brush management within the development boundaries. The DEIR does not provide a description of what type of fuel management activities are planned for the development, where the fuel management area will be, the size of the fuel management area, or what type of vegetation will be planted, if any, within the fuel management area. The DEIR should provide a fuel management plan, including a plant palette and proposed maintenance activities, graphics that clearly define these fuel modification zones with reference to the development, and an assessment of any potential impacts related to the fuel management area and associated maintenance activities. Analysis of impacts related to fuel modification areas should not be deferred to future development.

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The DEIR addresses migratory corridors/ linkages in the following manor (p. 4.4-33):

"The project area is adjacent to an existing migratory corridor across Gilman Springs Road (i.e. Criteria Cells 1290, 1389, and 1390) as designated by the MSHCP. While the open agricultural fields that presently occupy much of the project area are not designated as corridors or linkages in the MSHCP, the project site, including the CDFW property, supports extensive agricultural fields, which do not constitute native vegetation, but do provide some foraging value and may allow for migration or movement of wildlife through the general area even considering the level of repeated disturbance by agricultural activities. Wildlife movement through this area is generally planned to take place across the Mystic Lake property to the south. The northern (upland) portion of the SJWA (i.e., the CDFW Conservation Buffer Area) and the southern portion of the Specific Plan area do not provide suitable habitat or resources to support wildlife migration or regular wildlife movement."

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And (p 4.4-62):

"According to the project biological report, the project area does not contain any wildlife movement corridors or linkages. It is likely that wildlife moves through adjacent properties such as the SJWA and the Mystic Lake area to the south, the Badlands area to the east and the Lake Perris State Recreation Area to the southwest. The project biological report concluded that development of the project as proposed would not have any significant impact on wildlife movement in the area, and would not fragment habitat or adversely affect wildlife movement through the surrounding areas. Therefore, impacts in this regard are less than significant, and no mitigation is needed."

State Parks believes that the DEIR and the project biological report do not adequately address project impacts to migratory corridors/ linkages as they apply to Lake Perris. We suggest that wildlife movement studies be conducted to further analyze potential impacts to wildlife corridors/ linkages to the Lake Perris/SJWA area from the project. Lake Perris is occupied by a host of common, sensitive and state and federal listed species which will be left largely isolated by this project. In order to maintain genetic integrity they require varied linkages to larger adjacent open spaces. State Parks suggests that studies consider lesser linkages in addition to those identified in the MSHCP, specifically the areas identified as "On-site Drainages" that traverse the project area, without such lesser linkages Lake Perris will be left as a relatively isolated peninsula of preserved open space leading to the loss of biodiversity and over all habitat value.

The referenced project biological report only concentrated on certain onsite species with only anecdotal observations of other wildlife. Specific comprehensive wildlife movement studies are needed to properly analyze potential impacts of such a large scale project as this.

Loss of species will lead to recreational impacts as well as much of the visitation to Lake Perris is for wildlife viewing and visiting a wild place. Even when the public does not see a mountain lion, golden eagle or any other species or personal interest during their visit the knowledge that they might or that that species could be hiding around the corner is an important recreational draw.

The Project will create certain barriers to wildlife movement, including the physical barrier between the Badlands and open space areas to the south of the Project, a significant increase in traffic surrounding the Project area, and increased levels of light and noise. The build out of the proposed Project will create an obstruction to wildlife movement to and from the Badlands across the nearly 2-mile Project boundary along Gilman Springs Road. This barrier forces wildlife to move east, potentially causing a funneling effect across Gilman Springs Road at the edge of the development. This forced detour effectively limits the ability for wildlife to utilize the existing culverts under State Route 60 to further access the Badlands open space.

The DEIR also largely overlooks impacts to the Badlands, and its significant acreages of public and private open space as well. Further evaluation of impacts to this important

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open space and the linkage to it needs to be made and avoidance and mitigation measures established.

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Mitigation measures focusing on reducing impacts to wildlife movement in the area should be provided. In considering mitigation measures for wildlife movement further analysis of impacts to wildlife moving across roads and roadkill need to be made and avoidance and mitigation measures developed for reducing injury or death of wildlife crossing roads.

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The Specific Plan provides for a 400-foot setback along the southern boundary of the Project, adjacent to Lake Perris and SJWA, which includes a 250-foot development setback and a 150-foot building setback. The 250-foot development setback would include landscape areas, drainage and water quality facilities, barriers (walls and fencing), maintenance access drives, and other related uses as described in the DEIR. This area should not be considered a buffer from development but rather an aspect of the development as they will contain maintained facilities required by the development. State Parks recommends a minimum 250 feet natural/undeveloped buffer that would not contain any manufactured structures, such as detention and water quality basins, walls and fences, and irrigated landscaping.

14

The DEIR states that night lighting may have adverse effects on a range of wildlife species. Effects include mortality due to increased predation, reduced health due to the disturbance of diurnal rhythms, and reduced clutch size, egg size, or survival of nesting birds. Although the Project intends to remain consistent with both the night lighting guidelines within the City's Municipal Codes and the City's Dark Sky Lighting Ordinance, additional measures should be proposed to reduce the cumulative impacts to Lake Perris and SJWA.

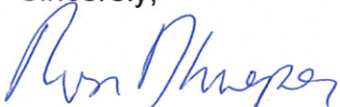
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The DEIR also states that approximately 75 acres in the southwest corner of the project area is designated and restricted to passive open space and recreation use adjacent to Mount Russell and Lake Perris. The DEIR does not identify how this area will be managed as a passive open recreational open space. Or whether a conservation easement designating it as such will be placed on the property?

16

Thank you again for coordinating this project with us. For further discussion, please contact me or Enrique Arroyo at (951) 453-6848.

Sincerely,



Ron Krueper
District Superintendent
Inland Empire District

cc: State Clearinghouse
Jay Chamberlin, State Parks
Kim Freeburn, California Department of Fish & Wildlife

RESPONSES TO LETTER B-4

State of California Department of Parks and Recreation

Response to Comment B-4-1. The City acknowledges that the California Department of Parks and Recreation (Department) is responsible for maintaining the facilities and resources of Lake Perris near the southwest corner of the World Logistics Center (WLC) project. The City also understands the Department's concerns regarding the WLC project relative to Lake Perris.

Response to Comment B-4-2. The commenter states that it is the size of the proposed project that is creating the numerous significant impacts. The commenter is correct to some degree that some (though not all) of the impacts of the project are proportionally related to the size of the project (i.e., more square footage of logistics buildings, more traffic, air pollution, noise, etc.). The Draft Environmental Impact Report (DEIR) did identify a number of significant environmental impacts of the WLC project; however, the EIR concluded that impacts to biological resources will be reduced to less than significant levels by project design and the proposed mitigation. These conclusions have not changed even though the project biology reports were all updated and in some cases revised to address the many comments received on the biological resource reports.

Response to Comment B-4-3. This commenter suggests the DEIR analyze alternatives that focus on reduced development area. The DEIR did examine a number of alternatives but, because impacts to biological resources were determined to be less than significant, no alternatives were specifically developed to reduce those impacts. The commenter is encouraged to re-read Section 6 of the DEIR for more information regarding alternatives.

Response to Comment B-4-4. The commenter requests more analysis of impacts to Lake Perris. Lake Perris is approximately 2.6 miles southwest of the WLC Specific Plan (SP) area and does not share a boundary with Lake Perris. It is assumed that the comment is referring to the Lake Perris State Recreational Area, which is located southwest of the WLCSP. The land included in the State Park and surrounding area is within lands designated as Public/Quasi-Public and is conserved under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The WLCSP will not have any direct impacts to Lake Perris or the Lake Perris State Recreational Area

Indirect impacts that may affect Lake Perris State Recreational Area include light, noise, air quality, and hydrology. The WLCSP is separated from the Lake Perris State Recreational Area by Mt. Russell as well as a small series of hills between Mt. Russell and the Bernasconi Hills (DEIR Figure 4.1.1 shows the locations of these features). These topographic features have a minimum elevation difference of 160 feet above the WLCSP and drops 60 feet on the southwest side along the edge of Lake Perris. This provides a natural barrier that would eliminate all light and noise impacts to Lake Perris and the Lake Perris State Recreational Area. In addition, the prevailing winds blow in the easterly direction away from Lake Perris and therefore, no indirect air-quality impacts to Lake Perris associated with the WLCSP. The WLCSP has no direct hydrologic connection to the Lake Perris State Recreational Area and therefore project development will have no indirect impacts to Lake Perris or the Lake Perris State Recreational Area with regard to hydrology. Therefore, there are no indirect project related impacts to the Lake Perris State Recreational Area associated with the development of the WLC.

The WLCSP also has a 1,500-foot buffer between the proposed development and the northern edge of the Lake Perris State Recreational Area. This area, which encompasses the northern slopes of Mount Russell is too steep to develop and will remain as designated open space.

Payment of the MSHCP Development Fee will reduce cumulative project related impacts associated with the adjacent Lake Perris State Recreational Area to a level less than significant. Subsequent

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

California Environmental Quality Act (CEQA) review will be required on a project-by-project basis to ensure conformance with the MSHCP and future implementing plans/ordinances at the project-specific level.

Response to Comment B-4-5. The commenter states there are listed federal, state, and MSHCP covered species that were not included in the DEIR. In an attempt to obtain sensitive species information, not previously included in the CNDDDB 2013, Resource Conservation Authority (RCA) staff was contacted. Geographic Information Systems (GIS) data regarding the San Jacinto Wildlife Area (SJWA) and surrounding area was provided by RCA staff and is included in the Draft Habitat Assessment and MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1) (hereafter MSHCP Consistency Analysis).

Response to Comment B-4-6. The commenter states the DEIR needs to address impacts to golden eagle foraging habitat from this project. Under the City of Moreno Valley General Plan, Raptor Foraging/Wintering Habitat (including golden eagle foraging habitat) is considered a regionally sensitive habitat (General Plan Final Program EIR pg. 5.9-27). It also states that some Field/Cropland areas provide valuable foraging habitat (General Plan Final Program EIR pg. 5.9-28). The areas adjacent to native habitats are of higher value for raptor foraging, but an assessment of the value of the Field/Cropland area require an area-by-area investigation.

Golden eagles were not observed during any of the 8 years of surveys within the WLCSP. The prey base within the WLCSP is considered extremely limited based on the burrowing owl surveys conducted in 2013. The WLCSP is actively farmed, which also minimizes the amount of available vegetative cover on an annual basis. All of these factors greatly lowers the habitat value of the WLCSP with regard to raptor foraging habitat. The likelihood of the WLCSP to support a population of golden eagles is extremely low, but the possibility cannot be ruled out that golden eagles could occur within the WLCSP during selective portions of the year.

The golden eagle is a California fully protected species, but is also a covered species under the MSHCP. Impacts to golden eagles are mitigated through the payment of the MSHCP fee. The fees collected from each project, will be used to purchase off-site conservation lands, which will conserve higher-quality foraging habitat, which is necessary for the long-term conservation of the species. Impacts to golden eagle foraging habitat is a potentially significant impact, but payment of the MSHCP Development Fee will reduce those impacts to a less than significant level.

Response to Comment B-4-7. The commenter states the DEIR should include a fuel management plan. A Fuel Management Plan focuses on hazard reduction for people and their property on a project-by-project basis. Fuel management involves the reduction of fuel loads in areas where fire may threaten public safety and property, suppressing fires once they start, and providing access for fire suppression equipment and personnel.

A Fuel Management Plan will be required on a project-by-project basis and under MSHCP guidelines, is only required for those projects located adjacent to Conservation Areas (MM 4.4.6.4J). Therefore, projects located along southern and eastern WLCSP boundary will have a Fuel Management Plan. The Plan will include a plant palette of adequate plant species that may be planted within the Fuel Management Area, which will be approved by a biologist familiar with the plant requirements of the area. A list of non-native invasive plants that are prohibited from installation will also be required. The Plan will included maintenance activities and a maintenance schedule. Fuel modification zones will be mapped and include an impact assessment as required under CEQA guidelines for a project-level analysis. A Fuel Management Plan cannot be designed for a program-level analysis because project specific information such as proposed access, construction materials, and other project design features will not be available until individual projects are proposed.

A new mitigation measure has been added to the Revised DEIR Section 4.4 Biological Resources to ensure a fuel management plan is prepared and approved by the City prior to plot plan approval for those planning areas on the south and east boundaries of the WLCSP project adjacent to MSHCP Conservation Areas.

4.4.6.4J A Fuel Management Plan shall be prepared on a project-by-project basis for those Planning Areas adjacent to the south and east boundary of the World Logistics Center Specific Plan adjacent to Western Riverside County Multiple Species Habitat Conservation Plan Conservation Areas. The Fuel Management Plan shall be prepared by the project proponent and submitted for approval to the prior to plot plan approval for those projects on the southern and eastern Western Riverside County Multiple Species Habitat Conservation Plan boundary. Per the Western Riverside County Multiple Species Habitat Conservation Plan guidelines, the Fuel Management Plan shall include the following:

- A plant palette of adequate plant species that may be planted within the Fuel Management Area, which will be approved by a biologist familiar with the plant requirements of the area.
- A list of non-native invasive plants that are prohibited from installation.
- Maintenance activities and a maintenance schedule.

Fuel modification zones shall be mapped and include an impact assessment as required under California Environmental Quality Act guidelines for a project-level analysis. The plan shall demonstrate that the adjacent Western Riverside County Multiple Species Habitat Conservation Plan Areas are adequately protected from expected fire risks.

Response to Comment B-4-8. The commenter states the DEIR and project biological report does not sufficiently address project impacts to migratory corridors/linkages as they apply to Lake Perris. Lake Perris is located southwest of the WLCSP and is located within a designated open-space area. Land use surrounding Lake Perris includes the developed portion of the City of Moreno Valley to the north, residential development and agricultural uses to the south, residential and commercial development to the west, and agricultural uses and undeveloped open-space occurs to the east.

Therefore, the Lake Perris is surrounded on three sides by development that would limit wildlife movement to the north, south, and west. Wildlife have uninhibited movement to the east within the SJWA, which directly connects to the Badlands further to the east.

The proposed WLCSP is located at the eastern most extent of the City of Moreno Valley and current land use is designated as residential development. Based on the City of Moreno Valley General Plan, this portion of the city was not designated as a conservation area and was intended to be part of the urban development.

SR-60 and Gilman Springs Road have already created a significant barrier between Lake Perris and adjacent open space areas to the north and east. It should also be noted that Existing Core H and Proposed Core 3 within the MSHCP 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 utilize the WLCSP area as a wildlife corridor.

The WLCSP is not within a significant wildlife movement corridor (see Section 4.4.5.2 of the DEIR) and as a result was not included in any conservation area, corridor, or linkage within the MSHCP or designated as such in the City's General Plan. Therefore, the proposed WLCSP will not have a significant impact on wildlife movement between open space areas within the Badlands and Lake

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Perris. The development of the WLCSP will not cut-off or otherwise impede wildlife movement from the Lake Perris State Recreational Area to the east.

Lake Perris State Recreational Area is characterized as being occupied by a host of common, sensitive, and state and federal listed species, which will be left largely isolated by this project. The extensive agricultural fields and other non-native plant communities within the WLCSP do not provide a suitable linkage between the Lake Perris State Recreational Area and the Badlands area to the northeast. Therefore, the sensitive wildlife species that occur within the Lake Perris State Recreational Area will be no more isolated with the development of the WLCSP that they are with the existing land use.

Although not required, Drainage 9 will remain in its current location to provide drainage from the Badlands area south through the eastern portion of the WLCSP area. The drainage will also serve as a travel path for wildlife species between Existing Core H and Proposed Core 3. Drainage 9 will require some initial re-grading and reinforcement to eliminate erosion issues and improve water quality but will ultimately be enhanced to provide higher quality riparian habitat.

Response to Comment B-4-9. The commenter suggests comprehensive wildlife movement studies are needed to properly analyze potential impacts of the proposed project. Biological resources have been studied on the project site for nearly eight years (refer to Table B-3.A in Response to Comment B-3-4). Wildlife movement north of the WLCSP is precluded by ground dwelling animals because the majority of the underground culverts used to convey storm flows beneath SR-60 are nearly completely filled with sediment (Master Plan of Drainage Report 2014 refer to FEIR Volume 2 Appendix J). Therefore, construction activities associated with the WLCSP will not have an impact on wildlife movement from the area north of the WLCSP. Similarly, all of the culverts that convey storm flows beneath Gilman Springs Road are also nearly filled with sediment and have not been maintained for many years. The WLCSP area was not included as an existing linkage or a proposed linkage under the MSHCP. Due to the disturbed nature of the WLCSP area and the lack of native habitat connecting Lake Perris to the Badlands, it is reasonable to assume that WLCSP does not function as a regional wildlife movement corridor (see Section 4.4.5.2 of the DEIR).

However, as a project design feature and not a mitigation measure, Drainage 9 will remain in its current location and will be enhanced to improve existing habitat within the channel. The drainage will also have a 25-foot buffer on either side that will contain native vegetation. This area will provide larger local wildlife, such as coyote, raccoons, and opossums, a higher quality travel path along the eastern side of the WLCSP.

Response to Comment B-4-10. The commenter suggests the proposed project will decrease the draw of recreational areas like Lake Perris by reducing the amount of wildlife in the area. The project design is intended to maintain a wildlife corridor connection along Drainage 9 in the eastern portion of the WLC site, which will allow for wildlife movement between the Badlands to the north and Mystic Lake and the SJWA to the south. This corridor will be at least 100 feet wide, and the actual channel which will be maintained in a relatively natural condition except for necessary flood control improvements. Development that affects this channel would require subsequent environmental review and regulatory permitting from the California Department of Fish and Wildlife at a minimum. Such permitting would include consultation with the CDFW as an adjacent responsible agency.

Response to Comment B-4-11. The commenter describes the barriers to wildlife movement caused by the proposed project. The WLCSP, once completely developed will cause a physical barrier between the portion of the Badlands located immediately to the north and the SJWA located immediately to the south. However, the Badlands area is a series of relatively undisturbed rolling hills that is parallel to Gilman Springs Road, which runs along the eastern portion of the WLCSP in a northwest to southeast direction. The SJWA is a large conservation area that connects the Badlands

to Lake Perris. Therefore, the development of the WLCSP area will not completely impeded wildlife movement between the Badlands and Lake Perris.

Several project design features are included in the general concept of the WLCSP that will minimize a forced detour at the edge of the proposed development and include maintaining Drainage 9 as a natural drainage feature and replacing sediment-filled culverts along Gilman Springs Road. The funneling effect across Gilman Springs Road will have some benefit by forcing wildlife species to travel further south to cross Gilman Springs Road at the southern edge of the WLCSP from the Badlands Area directly to the area within the SJWA.

In addition, the WLCSP development is located within an area that is currently zoned for residential development in the General Plan. The proposed development strategy in the General Plan was not considered a potentially significant impact with regard to wildlife movement corridors.

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 or designated as a conservation area within the General Plan (see Section 4.4.5.2 of the DEIR).

Development of the WLCSP will increase traffic, light, and noise. However, Mitigation Measures (MMs) 4.4.6.1A-B, 4.4.6.2A-B, 4.4.6.3A-C, and 4.4.6.4A-I will reduce significant impacts related to these issues to less than significant levels.

Response to Comment B-4-12. The commenter states the DEIR overlooks impacts to the Badlands. The WLCSP and the proposed offsite facilities are bordered to the east by MSHCP Proposed Core 3, also known as the Badlands. With the exception of a few small drainage improvements, the WLCSP will avoid the Badlands. However, those projects that are located immediately adjacent to a core or proposed core area require project design features to minimize potentially significant impacts associated with the Urban/Wildlands interface as described in the MSHCP.

The portions of the WLCSP and offsite facilities that are on or immediately adjacent to conservation areas shall incorporate the design features and measures related to drainage features, toxics, lighting, noise, invasive plants, barriers, and grading/land development discussed below. These measures make the proposed project consistent with the MSHCP, Section 6.1.4, and Guidelines Pertaining to the Urban/Wildlands Interface. A detailed description of recommendations pertaining to an Urban/Wildlands interface is described in MMs Bio-6D in the MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1).

Small drainage improvements (basins) are anticipated for the east side of Gilman Springs Road, within the disturbed portion of the Badlands. The number of basins needed and their locations will be assessed on a project-by-project basis. Any impacts to jurisdictional drainage features are considered significant impacts and will require appropriate regulatory permitting as described in MMs 4.4.6.3A and 4.4.6.3B.

Response to Comment B-4-13. The commenter requests mitigation measures be created to reduce impacts to wildlife movement in the area. It should be noted that currently, State Route 60 (SR-60) and Gilman Springs Road 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 have already created a significant barrier between these two open space areas.

The disturbed nature of the extensive agricultural fields limits the amount of wildlife species that may utilize the WLCSP for regional movement. 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

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

MSHCP. Therefore, the proposed WLCSP will not have a significant impact on wildlife movement on a regional basis and mitigation measures are not required.

It should also be noted that MSHCP Existing Core H and Proposed Core 3 are connected just south of the WLCSP and therefore will not be separated by the proposed development.

As a project design feature, Drainage 9 will remain in its current location to provide regional drainage, but may also be used as a travel path for wildlife species between MSHCP Existing Core H and Proposed Core 3. Drainage 9 will require some initial re-grading and reinforcement to eliminate erosion issues and improve water quality, but will ultimately be enhanced to provide higher quality riparian habitat. All necessary regulatory permits and mitigation measures will be required for all project impacts associated with the Drainage 9 improvement. In addition, culverts that convey storm flows beneath SR-60 and Gilman Springs Road will be cleaned out and/or replaced, which will allow smaller wildlife species to travel along Drainage 9. These are considered project design features and are not mitigation measures for a potentially significant impact.

Response to Comment B-4-14. The commenter requests additional mitigation to reduce night time lighting effects to wildlife. The 250-foot buffer area along the southern portion of the WLCSP will not contain any buildings or similar development. There is an additional 150-foot building setback for structures, which provides a total building setback of 400 feet from the SJWA boundary. The purpose of the buffer area is to provide a transition from the proposed development to the northern edge of the SJWA to minimize potentially significant indirect impacts to the SJWA. The portion of the SJWA immediately adjacent to the WLCSP is in active agriculture and does not provide suitable habitat for any sensitive plant and/or wildlife species known to occur within the SJWA. The closest suitable habitat is approximately 4,500 feet to the south of the WLCSP. A 250-foot natural/undeveloped buffer with no manufactured structures, such as detention basins and water quality basins, walls and fences, and irrigated landscaping is not necessary or required. MM 4.4.6.1A will reduce potentially significant impacts associated with the Urban/Wildlands Interface under the MSHCP to a level less than significant.

Response to Comment B-4-15. As required in the City of Moreno Valley, all development projects are subject to the City's Municipal Code. Mitigation for these impacts is described in Section 4.1.6.4 of the DEIR. All direct light rays will be contained within the building sites. Limited lighting away from the building will be used for security and basic building illumination. All exterior lights will be shielded to direct light away from the SJWA and Lake Perris State Recreational Area.

In addition, as a project design feature, a series of drainage improvements will be designed along the southern boundary of the WLCSP. The riparian vegetation associated with those improvements will be designed to provide a vegetative barrier that will block most of the remaining indirect project lighting from the adjacent SJWA and Lake Perris State Recreational Area. Riparian trees such as willows and cottonwoods, will be planted within selective portions of the drainage improvements to provide riparian habitat, but will be maintained to support the functionality of the basins.

Response to Comment B-4-16. In response to comments received on the DEIR, the proposed Specific Plan has been updated to add more clarity to a number of its sections. Relative to this comment, the Specific Plan has been updated to add planning area designations to the various development areas within the project. The 74.3-acre property referenced in the comment is identified as Planning Area 30 and designated as Open Space. The Specific Plan includes provisions for the irrevocable offer of dedication of Planning Area 30 to the City of Moreno Valley in connection with the first development proposal for property adjacent to the planning area. It will be retained as undeveloped open space in public ownership as outlined in a new MM 4.1.4.1D as follows:

4.1.6.1D Prior to the issuance of permits for any development activity adjacent to Planning Area 30 (74.3 acres in the southwest portion of the Specific Plan), the entirety of

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Planning Area 30 shall be offered to the State of California for open space purposes. In the event that the State does not accept the dedication, the property shall be offered to Western Riverside County Regional Conservation Authority or an established non-profit land conservancy for open space purposes. In the event that none of these organizations accepts the dedication, the property may be dedicated to a property owners association or may remain in private ownership and may be fenced and access prohibited.

Letter B-5: California Air Resources Board (April 16, 2013)



Air Resources Board



Matthew Rodriguez
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Edmund G. Brown Jr.
Governor

April 16, 2013

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APR 18 2013

CITY OF MORENO VALLEY
Planning Division

Mr. John Terell
Planning Official
Community and Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552

Dear Mr. Terell:

The California Air Resources Board (ARB) is providing comments regarding the Draft Environmental Impact Report (EIR) for the proposed World Logistics Center (Center) a 3,918 acre project which includes 2,710 acres for logistics warehousing to be developed by the project applicant Highland Fairview. This new facility provides an opportunity to create a state-of-the-art-facility that promotes the use of the cleanest technologies available during both the construction phase and full project build-out.

The Center includes a number of features that attempt to mitigate the impacts of the increase in diesel truck traffic in the region as well as emissions from project construction. These features include designated truck routes to direct trucks away from a nearby residential community, design principles that include special edge treatments to provide a buffer between the Center and an existing residential community, sustainability principles that encourage active transportation, and the requirement for all heavy-duty trucks entering the facility to meet or exceed 2010 emission standards or be powered by an alternative fuel. Nonetheless, the long-term operation of diesel trucks will have a significant impact in the region. Given the magnitude and scope of the Center, these features need to be expanded to include emerging zero-emission technology for the equipment that will serve the facility.

At full project build-out, emissions from diesel trucks will be the largest contributor to cancer risk from the Center. ARB staff believes that technology capable of

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Mr. John Terrell
 April 16, 2013
 Page 2

zero-emissions will be available for additional applications, including trucks, in the early years of full project build-out. The final project conditions should support development of this technology and provide for its use to better protect the health of nearby residents from the harmful effects of fine particle pollution (including diesel particulate matter), ensure the emission reductions required to attain air quality standards for all pollutants, and reduce greenhouse gases.

3

Background

The proposed Center project area covers 3,918 acres in eastern Moreno Valley (near Highway 60 and roughly 75 miles east of the Ports of Los Angeles and Long Beach). The entire project area is covered by a City of Moreno Valley General Plan Amendment that proposes to redesignate 2,635 acres for logistics development, with the remaining area designated for use as public utility, open space, or utility extensions. Currently, the Center project area is designated as a mix of residential, commercial, business park, and open space land uses.

Within the project area, 2,710 acres are included in a proposed World Logistics Center Specific Plan (Specific Plan). The Specific Plan allows for up to 41.4 million square feet of high-cube logistics (logistics development) including 20,000 square feet of land for logistics support for vehicle fueling, as well as 200,000 square feet of warehouse and related uses (light logistics). The project area will be built-to-suit under the requirements of the Specific Plan, individual development permits, and mitigation required as a result of the EIR. It is proposed that the Center be built in two phases with development build-out years of 2017 for Phase 1 and 2022 for Phase 2. At full project build-out it is expected that on average about 58,300 non-diesel vehicles and 12,700 heavy duty diesel vehicles will operate at the facility daily.

4

Existing land use surrounding the proposed Center is the Highland Fairview Corporate Park and State Route 60 to the north; San Jacinto Wildlife Area and Lake Perris State Recreation Area to the south; vacant hillsides and scattered Residential to the east; and Suburban Residential Neighborhood to the west.

The draft EIR presents several analyses of the Center's potential air quality impacts at both a regional and local level. The document presents two scenarios: 1) the "No Project" scenario in which assumes full build-out of the City of Moreno Valley General Plan in 2035 except for the project site, and 2) the "With Project" scenario which assumes the project were built-out in accordance with its proposed phased build-out schedule and then added to the No Project scenario. Both of the scenarios reflect the benefits of adopted ARB and federal regulations that are reducing emissions from the transportation sector over time. The draft EIR also assesses the maximum individual

5

Mr. John Terell
April 16, 2013
Page 3

cancer risk (risk) to residents in the neighboring residential community from Center emissions. When risk from the two scenarios is compared, there is an estimated net increase in risk from the Center (with proposed mitigation) of 20.9 chances in a million.

5

The draft EIR also presented year-by-year estimated greenhouse gas emissions from Center operations in 2014 through 2022. Even after all feasible mitigation is implemented, Center-related greenhouse gas emissions will exceed the South Coast Air Quality Management District significance threshold of 10,000 million metric tons of carbon dioxide equivalents per year by a wide margin. At full project build out in 2022 (including all mitigation and project design features), total projected greenhouse gas emissions exceed 665,000 million metric tons of carbon dioxide equivalents per year. Impacts related to greenhouse gas emissions and climate change will be significant and unavoidable.

6

ARB staff concludes that the proposed Center would increase the health risk in the immediate area and the project should utilize all existing and emerging zero-emission technology and implement land use decisions that minimize diesel exposure to the neighboring community.

7

Recommendations

The majority of the localized cancer risk for the Center is attributable to the increase in diesel PM from the construction and long-term operation of the facility. The draft EIR estimates a net increase in diesel PM from the Center's total operational emissions of 24 pounds per day in 2017 and 54 pounds per day in 2022 (total operations include truck yards, local roadways internal to the project site, local surface streets, and main freeway segments in the project area). Consequently, ARB staff recommends 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, consistent with the California Environmental Quality Act definition:

8

"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)

The Specific Plan should be modified to require the use of the cleanest technologies within the Center as a project and lease condition accordingly:

Mr. John Terrell
 April 16, 2013
 Page 4

1. From the onset, require that all medium-heavy and heavy-heavy duty trucks, including any alternative fuel vehicles, meet or exceed the 2010 emission standards. As it becomes available, require that trucks traveling between the Center and any ports or railyards within 100 miles use zero/near zero technology.
2. Require, to the greatest extent possible, on-site service vehicles and equipment use zero emission technology and, if zero-emission technology is unavailable, that all vehicles and equipment meet the cleanest applicable emission standard.
3. Require, when available, the use of zero-emission property maintenance equipment.

8

In addition, proposed mitigation measure 4.3.6.2A (construction equipment exhaust mitigation) should require the use of electric construction tools, when available and feasible, rather than just provide electric hookups. In addition, require all construction fleets be in compliance and monitor compliance with current air quality regulations for off-road equipment. Proposed mitigation measure 4.3.6.3B (localized construction and operations emission mitigation) should require all tenants be in compliance and monitor compliance with all current air quality regulations for on-road trucks including ARB's Heavy-Duty Greenhouse Gas Regulation and Truck and Bus Regulation. ARB is available to provide assistance in implementing this recommendation.

9

ARB recommends these additional mitigation measures to further minimize impact to the surrounding community:

1. The developer, Highland Fairview, or the City of Moreno Valley provide incentives for tenants to encourage the use of alternative modes of commuting by their employees including, but not limited to, active transportation, public transportation, car pool, and the use of zero-emission vehicles. These same methods of transportation should be strongly encouraged or required for movement within the Center area.
2. Shift the proposed development along the west side of the project area to focus on light logistics or other uses to ensure that any operations of diesel trucks or equipment are at least 1000 feet away from residential occupied or zoned property or other sensitive receptor.
3. Minimize all traffic, beyond just heavy-duty truck traffic, by limiting the use of the "D" Street entrance to only local residents.

10

11

12

Mr. John Terell

Page 5

4. Increase the required distance from any on-site fueling stations to residential occupied or zoned property or other sensitive receptor from 250 feet to 1,000 feet.

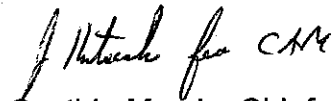
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Closing

ARB staff appreciated the opportunity to comment on the draft EIR. Given the scale of the facility and the risk associated with the increase in diesel PM from the Project, it is critical that the draft EIR and Specific Plan incorporate the use of advanced technologies as they become available. We are pleased to provide assistance for successful implementation and deployment of a state-of-the-art facility that serves the region's distribution and air quality needs, while protecting public health. If you have questions, please call me at (916) 324-0062 or contact Mr. Jack Kitowski, Assistant Division Chief, Stationary Source Division at (916) 445-6102 or jkitowsk@arb.ca.gov.

14

Sincerely,



Cynthia Marvin, Chief
Stationary Source Division

cc: Jack Kitowski
Assistant Division Chief
Stationary Source Division

State Clearinghouse #2012021045

RESPONSES TO LETTER B-5

California Air Resources Board

Response to Comment B-5-1. The commenter has accurately described the project characteristics related to truck emissions, although it should be noted there will be an alternative fueling station that will open during the first phase of development to serve trucks that use liquefied or compressed natural gas as vehicle fuel. It should be noted the Specific Plan area has been reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet down 2.4 percent from the original 41.6 million square feet. The WLC implementation schedule was revised or extended from 10 to 15 years, so Phase 1 is now scheduled for completion in 2022 rather than in 2017, or from approximately 2015 to 2022, compared to the five-year time period assumed in the Draft Environmental Impact Report (DEIR) (i.e., 2012 to 2017). The second phase is scheduled for 2023 to 2030. Therefore, the quantitative impact analyses for 2017 in the original DEIR were eliminated in the revised DEIR (see Final (F) EIR Volume 2).

Response to Comment B-5-2 and B-5-3. The commenter suggested mitigation measure, as discussed below. Please see the Mitigation Monitoring Reporting Program (FEIR Volume 1) for a list of the mitigation measures.

Suggested Mitigation Measure	Response
Emerging zero-emission technology for the equipment that would serve the facility should be implemented. The project should support development of this technology.	Partially Included. The project requires non-diesel emergency generators, forklifts, and service equipment. Please also refer to Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment.

Response to Comment B-5-4. The commenter has accurately summarized the project information presented in the DEIR. Also refer to Response to Comment B-5-1 for changes made to the size and phasing of the proposed project.

Response to Comment B-5-5. The commenter presents a summary of the scenarios in the DEIR.

The cancer risks as estimated in the DEIR are located in Table 4.3.AB for locations in the residential areas across Redlands Boulevard. The cancer risks were recalculated in the revised air quality analysis (FEIR Volume 2 Appendix D) and FEIR (Volume 2 Section 4.3 Air Quality) based on the revised construction and occupancy schedule, new traffic volumes, and realignment of roadways. Please refer to the FEIR and/or Master Response-1.

Response to Comment B-5-6. The commenter has accurately summarized the conclusions of the DEIR relative to the original proposed project and its emission of greenhouse gases. Refer to Response to Comment B-5-1 indicating the reduction in the size of the proposed project. In addition the phasing of the project has changed.

Response to Comment B-5-7. The commenter states the World Logistics Center (WLC) will increase the health risk in the immediate area and should use all available zero-emission technology. As discussed in Section 4.3 of the EIR and Master Response-1 and Master Response-2, the project will not increase health risk in the immediate area. Nonetheless, the WLC Specific Plan (SP) proposes an alternative fueling station that will open during the first phase of development to serve trucks that use liquefied or compressed natural gas as vehicle fuel. In addition, future development under the WLCSP will comply with vehicle fleet fuel requirements at the time of development approval. However, the project will support a variety of future users which are unknown at this time,

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

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.

Finally, it should be noted that the project has committed under various mitigation measures to requiring the most stringent levels of emission mitigation under existing emission control regulations including the use of Model Year 2010 engine diesel trucks and Tier 4 off-road construction equipment.

Response to Comment B-5-8. The commenter discusses the particulate matter (PM) emissions. Refer to the updated air quality and health risk assessment for a refinement of the PM and cancer risk values (FEIR Volume 2 Appendix D).

The commenter recommends actions to support the development, demonstration, and deployment of zero- and near-zero emission technology. The commenter believes the technologies are feasible within the build-out years of the project. However, as discussed in Master Response: Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment in Response to Comment Letter C-3, those technologies are not feasible for the project.

The commenter suggested mitigation measures, as discussed below.

Suggested Mitigation Measure	Response
1. From the onset, require that all medium-heavy and heavy-heavy duty trucks, including and alternative fuel vehicles, meet or exceed the 2010 emission standards.	Already Included. This was a project design feature in the DEIR and is now part of MM 4.3.6.3B.
2. As it becomes available, require that trucks traveling between the Center and any ports or rail yards within 100 miles use zero/near zero technology.	Not Included. See Master Response: Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment in Response to Comment Letter C-3.
3. Require, to the greatest extent possible, onsite service vehicles and equipment use zero emission technology, and if zero-emission technology is unavailable, that all vehicles and equipment meet the cleanest applicable emission standard.	Partially Included. Low-emission and zero-emission technologies are required for onsite equipment, as stated in Specific Plan Section 12.3: "The use of diesel-powered service yard vehicles (yard goats, etc.) is prohibited at all times within the Specific Plan area. Pallet jacks, forklifts, and other onsite equipment used during building operation (indoors or outdoors) shall be powered by electricity, natural gas, propane, or other non-diesel fuel." The commenter requests that onsite service vehicles also have zero emission technology; however, it is not feasible to require this as discussed in Master Response: Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment in Response to Comment Letter C-3.
4. Require, when available, the use of zero-emission property maintenance equipment.	Partially Included. As a project design feature, the forklifts will be fueled by alternative fuel. In addition, Mitigation Measure 4.3.6.3B requires that the yard trucks be powered by alternative fuel. The landscaping equipment emissions are negligible as estimated by the CalEEMod land use emission model; therefore, according to the emissions analysis, it is not necessary to implement zero-emission landscaping

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
	equipment. The WLCSP Section 12.4 requires that electric power sources will be provided both indoor and outdoor to accommodate electric property maintenance equipment.

Response to Comment B-5-9. The commenter suggested mitigation measures, as discussed below.

Suggested Mitigation Measure	Response
Mitigation measure 4.3.6.2A should require the use of electric construction tools, when available and feasible, rather than just provide electrical hookups.	Incorporated. This language is incorporated in MM 4.3.6.2A.
Require all construction fleets be in compliance and monitor compliance with current air quality regulations for off-road equipment.	Incorporated. This language is incorporated in MM 4.3.6.2A.
Mitigation measure 4.3.6.3B should require all tenants be in compliance and monitor compliance with all current air quality regulations for on-road trucks including ARB's Heavy-Duty Greenhouse Gas Regulation and Truck and Bus Regulation.	Incorporated. This language is incorporated in MM 4.3.6.3B.

Response to Comment B-5-10. The commenter suggested a mitigation measure, as discussed below.

Suggested Mitigation Measure	Response
The developer, Highland Fairview, or the City of Moreno Valley provide incentives for tenants to encourage the use of alternative modes of commuting by their employees including, but not limited to, active transportation, public transportation, car pool, and the use of zero-emission vehicles. These same methods of transportation should be strongly encouraged or required for movement within the Center area.	Already Included. MM 4.3.6.4A requires that tenants participate in Riverside County's rideshare program, which encourages carpooling and public transportation. In addition, all tenants will need to comply with the requirements of South Coast Air Quality Management District (SCAQMD) Rule 2202, which accomplishes the same goals as requested by the commenter.

Response to Comment B-5-11. Shifting the land use designation from LD to LL along the west side of the project would have no effect on the presence of diesel trucks and equipment in that area. Neither designation includes any restriction on the type of vehicles that can access future buildings.

The Specific Plan provides for a 250-foot setback for buildings and truck access/parking facilities from adjacent residential zoned areas.

The commenter suggested a mitigation measure, as discussed below:

Suggested Mitigation Measure	Response
Shift the proposed development along the west side of the project area to focus on light logistics or other uses to ensure that any operations of diesel trucks or equipment are at least 1,000 feet away from residential occupied or zoned property or other sensitive receptor.	Not Included. Please refer to Master Response-4 in the Response to Comment Letter C-3 concerning the 1,000 foot buffer.

Response to Comment B-5-12. The commenter recommends limiting use of the Street D entrance (now renamed the Cactus Avenue Extension) to local residents only, as a means to minimize traffic.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Section 21101.6 of the California Vehicle Code states that local authorities may not place gates or other selective devices on any street which deny or restrict the access of certain members of the public to the street, while permitting others unrestricted access to the street. Local authorities may prohibit vehicles based on size (weight or height) as is being proposed for the Cactus Avenue Extension, but they cannot limit access to a public street based on the residence of the driver. On that basis, heavy trucks would be prohibited from using the Cactus Avenue Extension.

The commenter suggested a mitigation measure, as discussed below:

Suggested Mitigation Measure	Response
Minimize all traffic, beyond just heavy-duty truck traffic, by limiting the use of the "D" street entrance to only local residents.	Not Included. The Cactus Street extension is a public street. While the project does place restrictions on heavy-duty vehicles, prohibiting use of the street, the City cannot limit street access to only nearby residents. In addition, there is no way to distinguish among light vehicles those that are operated by local residents as opposed to nearby communities like Lake Perris. As a result, the proposed limitation is infeasible.

Response to Comment B-5-13. Any on-site fueling station is a "stationary source" under AQMD rules and as such, will be subject to all applicable rules and regulations regarding layout and design at such time as a specific site is selected and a project is proposed. In addition to AQMD rules, any proposed fueling station will be subject to a discretionary Plot Plan process which will evaluate the specific design and any potential impacts on nearby uses. No significant impact has been identified and therefore no specific mitigation is required.

The commenter suggested a mitigation measure, as discussed below.

Suggested Mitigation Measure	Response
Increase the required distance from any onsite fueling stations to residential occupied or zoned property or other sensitive receptor from 250 feet to 1,000 feet.	Partially Included. The proposed onsite fueling station shall be placed a minimum of 1,000 feet from any offsite residential occupied or zoned property or other sensitive receptors pursuant to MM 4.3.6.3C. As a stationary source, rules established by the SCAQMD will determine the location and controls placed on the facility to ensure that there is no impact on residential areas.

Response to Comment B-5-14. The commenter summarized their earlier comments and recommendations. Future development within the WLCSP may take advantage of alternative fuel or zero emission vehicles, and will comply with all fleet and/or fuel requirements at the time of development approval in the future. The project will support a variety of future users which are unknown at this time, so it is not possible to 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.

Letter B-6: Santa Ana Regional Water Quality Control Board (April 25, 2013)



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

April 25, 2013

Mark Gross
City of Moreno Valley
14177 Fredrick Street
Moreno Valley, CA 92552

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WORLD LOGISTICS CENTER PROJECT

Dear Mr. Gross;

Regional Water Quality Control Board (Board) staff would like to take this opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the World Logistics Project. According to the DEIR, the proposed project site covers 3,918 acres in the eastern section of the City of Moreno Valley. A General Plan Amendment is proposed to designate 2,635 acres for logistics warehousing, including up to a maximum of 41.1 million square feet of logistics development and 200,000 square feet of warehousing-related uses, classified as light logistics. 1,104 acres of the project site will be designated for permanent open space and public facilities. Of the open space area, 1,085 acres are currently owned by the California Department of Fish and Wildlife (CDFW). CDFW had purchased this area as a buffer between development and the San Jacinto Wildlife Area operated by the CDFW.

1

Listed below are brief comments concerning the proposed project. We note that the DEIR discusses several mitigation measures that are to be taken to reduce the project's impacts to water quality and aquatic beneficial uses.

1. The project needs to take all reasonable measures to avoid impacts to water quality standards as a result of this project. Impacts that cannot be avoided must be minimized, and all impacts must be mitigated.
2. Of particular concern is the runoff from the proposed project that will flow southeast towards Mystic Lake and the San Jacinto Wildlife area, and south towards the Perris Valley Drain and Reach 3 of the San Jacinto River. It is well established that runoff from urban land uses contains pollutants that can be detrimental to aquatic ecosystems, such as those that exist from time to time in Mystic Lake and that perennially exist on San Jacinto River Reach 2 (Canyon Lake), and other downstream reaches. Mystic Lake is ephemeral, and is essentially a terminal lake with all runoff to the lake staying in the lake to evaporate or infiltrate, except during rare periods when abnormally high rain fall occurs in the San Jacinto River's high elevation watershed for consecutive years, and Mystic Lake spills over into the San Jacinto River Reach 4 channel downstream of the lake. Even though Mystic Lake is not currently listed in the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) it is known

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to have several beneficial uses¹ including REC1 (intermittent use), REC2, WILD, WARM (intermittent use), and RARE.

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3. In addition, runoff from the proposed project possibly could impact other downstream waters such as the 303 (d) listed impaired Canyon Lake and Lake Elsinore. BMPs need to be identified and implemented that control pollutants for which TMDLs have been adopted and for which the project's receiving waters (Canyon Lake, principally, but also Lake Elsinore) are 303(d) listed.

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4. The DEIR comprehensively lists several mitigation measures proposed to reduce impacts to hydrology and water quality to a less than a significant level. Staff strongly encourages the project proponent to implement BMPs that result in off-site run-off flows not increasing with project construction. DEIR Table 1.A, referencing Section 4.9.6.1A, summarizes mitigation measures for modifications to local drainage and other hydrological changes, reporting, "Each identified watershed within the project area will have an appropriate detention basin to retain storm water such that off-site flows downstream will not increase over existing levels. Runoff characteristics south of the site will be maintained similar to current conditions". This statement is somewhat ambiguous, and is clarified in the referenced section. To protect the integrity of undeveloped drainages downstream of the project, project stormwater runoff retention facilities must be designed and operated such that the entire hydrograph of post-project runoff is not significantly different than the pre-project runoff hydrograph. While addressing peak flow is an important consideration, other runoff characteristics must also be addressed to prevent hydro-modification of the runoff's receiving waters.

5

5. The DEIR lists the treatment control BMPs and Assessment Methodology to be used on the project to reduce project impacts to water quality. Board staff strongly encourages the use of BMPs that promote infiltration and evapotranspiration, including infiltration basins, bio-retention facilities, and extended detention basins to reduce impacts to water quality. All BMPs must include provisions that identify the party(s) responsible for funding and carrying out BMPs' long term management, including capital replacement.

6

6. The DEIR states that the applicant shall consult with the United States Army Corps of Engineers (USACE), CDFW, and RWQCB to establish the need for permits (e.g., Clean Water Act Section 401 Certification) for project impacts to jurisdictional waters. The proponent should consider project configurations that avoid impacts to all on-site and downstream waters, whether or not those waters are subject to USACE jurisdiction. Although the DEIR states that most, if not all of, the drainages located on the property are not jurisdictional, per the USACE, these drainages have water quality standards that must be protected. The Basin Plan considers that waters not specifically identified in the plan have the same beneficial uses as the waters to which they are tributary. Applying this "tributary rule" to the project site, beneficial uses of the drainages on or adjacent to the project site include: REC1, REC, WARM, WILD, RARE, GWR, and AGR.

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¹ Definitions of the beneficial uses are shown in the DEIR and Chapter 3 of the Basin Plan.

Leaving the drainages in their existing condition, or restoring them to a more natural condition, is preferable to "developing" them into flood control conveyances, or allowing them to be hydro-modified by altering their hydrology. On-site hydrology controls should be implemented that do not allow increases in runoff as a result of the project development. If increases in stormwater runoff are unavoidable, then the proponent should be required to implement drainage facilities that allow for groundwater recharge, that are of adequate width to provide a buffer for ecological functions, as well as setbacks for passive recreation, such as a trail or bikeway, and maintenance, and that allow for the mature growth of native riparian vegetation. Board staff notes that the DEIR proposes that Drainage 9 will be designed with the channel to remain in a relatively natural condition, and shall provide a minimum 25-foot open space setback from the top of each bank. Other drainages on site and downstream from the site should be left in similar condition.

8

7. Almost all of the open space proposed for this project is the 1,085 acres owned by the CDFW. The project proponent has not proposed designating significant amounts of land from their property as open space. Staff recommends that the project proponent and the CEQA lead implement Alternative One or another project alternative that allows more open space. Open space areas provide water quality benefits such as storm water retention and groundwater recharge as well as the opportunity for other amenities that benefit the community.

9

8. The DEIR states that there is 25 acres of farm land considered prime farm land in the project site. The DEIR notes that 5 acres of this land will be offered to the City to be used as a possible heritage farm area. Staff recommends that the CEQA lead consider designating all 25 acres as land to remain in farming. Farm land can provide water quality benefits such as storm water retention and groundwater recharge as well as other benefits to the community.

10

If you have any questions, please contact Dave Woelfel at (951) 782-7960 or dwoelfel@waterboards.ca.gov or me at 951 782- 3234 or madelson@waterboards.ca.gov.

Sincerely,



Mark G. Adelson
Chief, Regional Planning Section

cc: California Department of Fish and Wildlife – Kim Freeburn

RESPONSES TO LETTER B-6

Santa Ana Regional Water Quality Control Board

Response to Comment B-6-1. The commenter has accurately summarized the project characteristics relative to water quality, including the purpose of the California Department of Fish and Wildlife (CDFW) land south of the World Logistics Center Specific Plan (WLCSP) site as a buffer or separation between the San Jacinto Wildlife Area (SJWA) and future development. It should be noted the Specific Plan area has been reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet down 2.4 percent from the original 41.6 million square feet.

Response to Comment B-6-2. The comment states that the project need to take all reasonable measures to avoid water quality impacts. Water quality impacts of the WLC project are evaluated in Section 4.9, *Hydrology and Water Quality*, of the Draft Environmental Impact Report (DEIR). That section concluded the WLC project would not have significant impacts on water resources, groundwater, flooding, etc. if the project was built per the design guidelines in the Specific Plan and implementation of the recommended mitigation measures.

Response to Comment B-6-3. The commenter is concerned about the runoff from the proposed project. The project has proposed site design, source control, and treatment Best Management Practices (BMPs) to mitigate water quality impacts to Mystic Lake and the SJWA as outlined in the preliminary Water Quality Management Plan prepared for the project. 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. As required by revised Mitigation Measure (MM) 4.9.6.3A, a site specific water quality management plan will be prepared to identify site design, source control and LID treatment BMPs. Flows from the project will be treated first by LID BMPs where the flow will be infiltrated, evapotranspired, or treated. As required by revised MM 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 SJWA.

Also, the project has committed to performing a Water Quality Monitoring Program on the discharge from the project to the adjacent SJWA. Revised MM 4.9.6.3C outlines a very detailed process that must be implemented to ensure the SJWA will not be affected by water pollution from the project site. Please refer to Response to Comment B-3-39 for the revised MM 4.9.6.3A-C.

Response to Comment B-6-4. The commenter continues to express their concern about impacts from runoff to downstream waters. 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 [sediments, nutrients, metals, toxic organic compounds, trash, oxygen-demanding substances, oil and grease, bacteria and viruses, and pesticides], 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.” (p. 19)

The project will comply with the Nutrient Total Maximum Daily Load (TMDL) for Lake Elsinore and Canyon Lake by implementing LID-based BMPs. According to the *Comprehensive Nutrient Reduction Plan for Lake Elsinore and Canyon Lake* (prepared for Riverside County Flood Control and Water Conservation District by CDM Smith, January 28, 2013 in compliance with Order No. R8-2010-0033, NPDES Permit No. CAS618033), “Post-construction LID-based BMPs required for new development and significant re-development projects are the only structural watershed-based BMPs currently included in the CNRP. The newly developed Water Quality Management Plan (WQMP) requirements ensure that a portion of the wet weather runoff will be contained onsite for all future development projects subject to WQMP requirements. Implementation of WQMP requirements over time coupled with the in-lake remediation projects (described below) are expected to provide sufficient mitigation of nutrients.” (p. 2-3).

Response to Comment B-6-5. The commenter suggests BMPs be implemented so that off-site runoff flows do not increase with project construction. Additional information has been added to the *Hydrology and Water Quality Master Plan of Drainage Report* (FEIR Volume 2 Appendix J) to provide specific and detailed plans for the drainage systems to include the size, capacity, design, function and maintenance requirements of the detention basins. The project will comply with the hydromodification requirements as outlined in Section F of the *Preliminary Water Quality Management Plan* and Section 5 of the *Master Plan of Drainage Report*. The detention basins have been modified to combine detention and infiltration. Additional analysis has been performed to detail the infiltration capacity of the basins and indicates that runoff leaving the project site will be less than or equal to the existing condition. Infiltration after the project will be greater than the existing condition. Additional details on the spreading areas and mitigation of flow volumes and velocities at the project boundary have been added to the *Master Plan of Drainage Report* and are summarized in the Response to Comment B-3-38 from the CDFW to address similar comments regarding drainage and water quality impacts of the project.

Response to Comment B-6-6. The commenter suggests that BMPs that promote infiltration and evapotranspiration be used to reduce impacts to water quality. 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 LID BMPs that maximize infiltration, harvest and use, evapotranspiration and/or bio-treatment. As stated in the WQMP and also on Page 4.9-41 of the DEIR, the BMP strategy for the project is to select LID BMPs that promote infiltration and evapotranspiration. Infiltration BMPs will be preferred, but may not be feasible on sites with low infiltration rates, or located on compacted engineered fill. In situations where infiltration BMPs are not appropriate, bio retention and/or biotreatment BMPs that provide opportunity for evapotranspiration and incidental infiltration will be considered. All of these BMPs are considered as LID BMPs and will treat a wide range of pollutants, including the Pollutants of Concern that have been identified for the project. Section I of the WQMP identifies the operation, maintenance, and funding requirements of the BMPs. In addition, DEIR MM 4.9.6.3B outlined below requires the Master Property Owners Association to maintain all onsite water quality basins.

4.9.6.3B The Property Owners Association (POA) and all property owners shall be responsible to maintain all onsite water quality basins according to requirements in the guidance Water Quality Management Plan and/or subsequent site-specific Water Quality Management Plans, and established guidelines of the Regional Water Quality Control Board. Failure to properly maintain such basins shall be grounds for suspension or revocation of discretionary operating permits, and/or referral to the Regional Water Quality Control Board for review and possible action. This measure shall be implemented to the satisfaction of the City Land Development Division, in consultation with the City Engineer, and Regional Water Quality Control Board.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment B-6-7. The commenter suggests the project avoid impacts to all on-site and downstream waters. The beneficial uses of the receiving waters are identified in the WQMP. Applying the tributary rule the beneficial uses of the drainage courses on the project site are noted. The DEIR Appendix J *Hydrology and Water Quality Master Plan of Drainage Report* outline bio retention areas and detention/infiltration basins that will be constructed to mitigate impacts to water quality and quantity.

Response to Comment B-6-8. The commenter prefers that the drainages be left in their existing condition, or restored to a more natural condition instead of being developed into flood control conveyances. The DEIR Appendix J *Hydrology and Water Quality Master Plan of Drainage Report* outline bio retention areas and detention/infiltration basins that will be constructed to mitigate the increased runoff and provide for peak flow attenuation and infiltration similar to pre development conditions. Table 3-3 of the *Hydrology and Water Quality Master Plan of Drainage Report* (FEIR Volume 2 Appendix J) outlines the basin lengths and widths. Adequate width for the basins has been provided as a buffer for ecological functions and for setbacks for maintenance and areas for native riparian vegetation. With the construction of these bio retention and detention/infiltration areas the drainage features of the project will provide increased opportunities for beneficial uses related to passive recreation and native riparian vegetation. For more information, the reader is referred to Response to Comment B-3-39 from the California Department of Fish and Wildlife to address similar comments regarding drainage and water quality impacts of the project.

Response to Comment B-6-9. The commenter suggests that the lead agency implement a project alternative that allows for additional open space. The DEIR did identify a number of significant environmental impacts of the WLC project, however, the EIR concluded that impacts to hydrology (runoff and flood control), water quality, and biological resources would be reduced to less than significant levels by project design and the proposed mitigation measures. These conclusions have not changed even though the project biology and hydrology reports were all updated and, in some cases, revised to address the many comments received on these technical studies. The project as proposed would have extensive areas with landscaping that would allow for percolation of irrigation water or onsite runoff to flow into planned detention basins during wet times, and then these waters could percolate back into the local groundwater. Since the DEIR did not determine there were any significant biological or hydrological impacts after mitigation, none of the project alternatives provide more open space.

Response to Comment B-6-10. The commenter misstates the discussion regarding the mitigation measure which requires the offering of five acres to the City for use as a possible heritage farm area. The mitigation measure does not require that the five-acre dedication be within the area designated as prime farm land nor does it require the dedicated area be used for farming. The DEIR (Section 4.2) provides clear evidence that agricultural uses are not viable in the region and would be particularly difficult to sustain on a parcel of limited size. The City cannot require privately-owned property to be retained in agricultural use or put to any specific use. In response to comments on the DEIR, the existing (California) Land Evaluation and Site Assessments (LESA) model analysis was rerun and a new LESA analysis was conducted for the project. These analyses both determined that the impact of the project on Farmland of Local Importance was less than significant. Accordingly, the mitigation measures have been revised. After additional discussion and review, the it was decided to eliminate the heritage farm mitigation measure (identified in the revised DEIR as MM 4.2.6.1A) as it could result in other environmental impacts (pesticide application, increased water use, liability for site users and the City, etc.). The new MM 4.2.6.1A identified in the revised DEIR would provide an offsite agricultural conservation easement which is now considered the appropriate mitigation for the agricultural impacts of the WLC project (i.e., loss of 25 acres of Unique Farmland).

An extensive drainage system is a part of the project which will provide opportunities for storm water retention and ground water recharge. The details of this system will be incorporated into each project specific plot plan application.

C. LETTERS FROM REGIONAL AGENCIES

Letter C-1: Southern California Edison (April 3, 2103)



RECEIVED
APR 4 - 2013
CITY OF MORENO VALLEY
Planning Division

Raymond Hicks
Region Manager

April 3, 2013

Attn: Mark Gross, AICP
Senior Planner
City of Moreno Valley
Community and Economic Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Re: World Logistics Center Project Draft EIR (SCH# 2012021045)

Southern California Edison (SCE) appreciates the opportunity to provide comment on the above referenced project.

Electrical Capacity

Please note, Moreno Valley Utilities (MVU) will need to file an interconnect application with SCE, in accordance with the applicable filed Federal Energy Regulatory Commission (FERC) tariffs, for any increased substation capacity connected to SCE's system, whether it is from MVU's existing Moreno Valley substation or another potential location, as proposed in the Draft EIR. Following receipt of MVU's application SCE will initiate and complete a system impact study analysis at MVU expense to determine: 1) the method of service necessary to serve the additional MVU load, whether from the existing Moreno Valley substation, or another method of service as determined by SCE, or the interconnection as proposed in the Draft EIR; 2) what, if any, system upgrades may be required to provide such service capacity; and 3) if the proposed interconnect location is acceptable to SCE. This analysis will include, but not be limited to, SCE system conditions, existing generation and queued ahead proposed market generation, SCE and MVU electrical load at that time and the load forecasts of both utilities. A facilities study analysis will also be required, at MVU's expense, to identify the specific facilities required for interconnection and system upgrades as well as the cost. Once completed, an interconnection agreement will also be required between the parties. It will outline the interconnection and operating responsibilities between the parties. SCE will perform the work required

26100 Menifee Rd.
Menifee, Ca 92585

Office: 951 928-8238
E-mail: Raymond.hicks@sce.com

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and MVU will pay SCE for the work required.

Existing Facilities

Relocation, rearrangement, or undergrounding of SCE overhead lines at developer expense may be required as part of the development. The extent of such work can be determined when street improvement plans are prepared. The preliminary information in the current Draft EIR does not provide enough clarity to make this assessment.

Please note that SCE's rights-of-ways and fee-owned properties are purchased for the exclusive use of SCE to operate and maintain its present and future facilities. Any proposed use will be reviewed on a case-by-case basis by SCE's Operating Department. Approvals or denials will be in writing based upon review of the maps provided by the developer and compatibility with SCE right-of-way constraints and rights. In the event the project proposes to impact SCE facilities or its land related rights, please forward five (5) sets of project plans, and a PDF copy of the same, depicting SCE's facilities and its associated land rights to the following location for review as noted above:

Real Properties Department
Southern California Edison Company
2131 Walnut Grove Avenue
G.O.3 – Second Floor
Rosemead, CA 91770

General Order 131-D Requirements

Please be advised if development plans result in the need to build new or relocate existing SCE electrical facilities that operate at or above 50 kilovolt (kV), the SCE construction may have environmental impacts subject to California Environmental Quality Act (CEQA) review as required by the California Public Utilities Commission (CPUC). If those environmental impacts are identified and addressed by the Lead Agency in the CEQA process for the larger project, SCE may not be required to pursue a later, separate, mandatory CEQA review through the CPUC's General Order 131-D (GO 131-D) process. If, however, the SCE facilities are not adequately addressed in the CEQA review for the larger project, and/or the new facilities could result in significant environmental impacts, the required additional CEQA review at the CPUC could delay approval of the SCE power line portion of the project for several years and thus impact the schedule for the larger project.

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Office: 951 928-8238
E-mail: Raymond.hicks@sce.com

Unfortunately, SCE is not able to provide specific comments on the Draft EIR due to the fact SCE has not yet received the applicable requests from MVU and the project applicant and pursuant to the requirements specified in this letter to determine impacts to SCE's facilities.

Once again, we appreciate the opportunity to comment on the project. If you have any questions regarding this letter, do not hesitate to contact me at (951) 928-8238.

Sincerely,



Raymond Hicks
Local Public Affairs Region Manager
Southern California Edison Company

26100 Menifee Rd.
Menifee, Ca 92585

Office: 951 928-8238
E-mail: Raymond.hicks@sce.com

RESPONSES TO LETTER C-1

Southern California Edison

Response to Comment C-1-1. Southern California Edison (SCE) comments are specifically directed to what the responsibility of Moreno Valley Utility (MVU) is with respect to providing electrical service to additional load in MVU's service territory. MVU must submit an application to the Federal Energy Regulatory Commission (FERC). Since this project falls within MVU's service territory, it is the serving utilities responsibility to secure additional power from SCE. World Logistics Center (WLC) has provided all of the current information to MVU for their use in evaluating what additional power requirements they will have in the area so the application can be submitted properly. SCE will then need to do a complete and thorough review of their systems in order to properly serve MVU's needs.

Any new SCE facilities required for any potential interconnect could also require a California Environmental Quality Act (CEQA) review but should be covered in MVU's specific EIR for a new substation once they file an application. It is impossible to address SCE's needs for new or upgraded system without MVU having filed their application.

With regard to any impacts to SCE's existing facilities, there may be the need to relocate, rearrange and/or underground some of the existing SCE facilities and acknowledge that SCE facilities over 50 kV needing relocation may fall into the G.O. 131-D requirement and be subject to a CEQA review under California Public Utilities Commission guidelines. If there are any impacts to SCE's system from this project, they will be handled in the proper manner described within SCE's letter.

**Letter C-2: Metropolitan Water District Of Southern California (April 8, 2013)
and Appendix 1 (On Flash Drive)**



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Letter C-2

Office of the General Manager

April 8, 2013

Via E-Mail and Federal Express

Mr. Mark Gross
Senior Planner
City of Moreno Valley
Community & Economic Development Department, Planning Division
14177 Frederick Street
Moreno Valley, CA 92552-0805

Dear Mr. Gross:

Notice of Availability of the
Draft Environmental Impact Report for the World Logistics Center Project

The Metropolitan Water District of Southern California (Metropolitan) has received the Notice of Availability of the Draft Environmental Impact Report (EIR) for the World Logistics Center Project (proposed project). The proposed project covers 3,918 acres in eastern Moreno Valley, generally located east of Redlands Boulevard, south of State Route 60 (SR60), west of Gilman Springs Road, and north of the San Jacinto Wildlife Area. The project proposes a maximum of 41.4 million square feet of high-cube logistics warehouse distribution uses classified as "Logistics Development" and 200,000 square feet of warehousing-related uses classified as "Light Logistics." Also included in the proposed project is a General Plan Amendment that will designate 2,635 acres for logistics development, 20 acres for public utility uses, and 1,159 acres for permanent open space. The remaining 104 acres will be used for utility extensions to serve the proposed project. Within the proposed project area, 2,710 acres are included in a proposed World Logistics Center Specific Plan (specific plan) which contains all of the 2,635 acres of proposed logistics land uses and 75 acres of the Open Space. Off-site infrastructure improvements, including construction of debris basins, water reservoirs and access roads, SR60 interchange modifications, and other road and utility modifications, are also proposed. This letter contains Metropolitan's response to the Notice of Availability as a potentially affected public agency.

Metropolitan owns property and owns and operates facilities on and adjacent to the site of the proposed project. As shown on the attached map, Metropolitan's irregularly shaped fee-owned property (APN 422-040-009 and 422-040-015), Inland Feeder Tunnel, and appurtenant tunnel access structure are located within the proposed specific plan area. In addition, Metropolitan's 145-inch-inside-diameter Inland Feeder pipeline and appurtenant structures extend through the specific plan area in the street rights-of-way for Eucalyptus Avenue, Theodore Street, and Davis

Mr. Mark Gross

Page 2

April 8, 2013

Road. Metropolitan also has a 110-foot-wide easement along Davis Road. While Metropolitan's property is referenced in Sections 3.3.1 and Section 4.4.1 of the Draft EIR, the Inland Feeder pipeline is not mentioned in the document.

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Metropolitan is concerned with the potential impacts to its fee property, the Inland Feeder pipeline, and associated facilities resulting from future excavation, construction, utilities or any development that may occur as a result of proposed project activities. Please note that Metropolitan does not allow any structures within its fee property or easement. Development associated with the proposed project must not restrict any of Metropolitan's day-to-day operations and/or access to its facilities. Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities and properties at all times in order to repair and maintain its system. Detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-6564. To assist in preparing plans that are compatible with Metropolitan's facilities, easements and properties, we have enclosed a copy of the "Guidelines for Developments in the Area of Facilities, Fee Properties, and /or Easements of The Metropolitan Water District of Southern California." Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

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In order to avoid potential conflicts with Metropolitan's facilities and rights-of-way, Metropolitan requires that detailed design plans for any activities within the vicinity of our facilities, fee property or rights-of way be submitted prior to construction for review and written approval. Approval of the proposed project where it could impact Metropolitan's property should be contingent on Metropolitan's approval of design plans for the proposed project. Metropolitan requests that the text of the EIR be revised to acknowledge the presence of the Inland Feeder pipeline and appurtenant facilities within the boundaries of the proposed project and that the text also state that Metropolitan will need to approve any development plans that have the potential to impact Metropolitan's property or facilities.

Additionally, Metropolitan is concerned about limiting other potential uses for its fee-owned property through the proposed specific plan land use designation discussed in the Draft EIR and respectfully requests that its fee-owned property be excluded from this Specific Plan. The property lends itself to not only high cube distribution but to other industrial type uses as well. By allowing more diverse uses, the city can achieve its objective of providing employment opportunities for a wide range of companies and residents as well as enhance the city's tax base by providing a wide variety of employment opportunities for both skilled and semi-skilled workers. In addition, the 500,000 square feet and 24-foot or greater height requirements specified for the logistics development (LD) land use designation (identified in Sections 3.4.2 and 3.4.6 of the Draft EIR) also limits future users of the property. We recommend that the Specific Plan provide adequate flexibility for economically viable uses based on market segmentation dynamics and configuration of developable parcels impacted by topographical and geographical conditions.

4

Mr. Mark Gross

Page 3

April 8, 2013

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future environmental documentation and design plans regarding this proposed project. If you have any questions, please contact Ms. Jennifer Harriger at (213) 217-7658.

Very truly yours,

A handwritten signature in black ink, appearing to read "Deirdre West", with a stylized flourish at the end.

Deirdre West

Manager, Environmental Planning Team

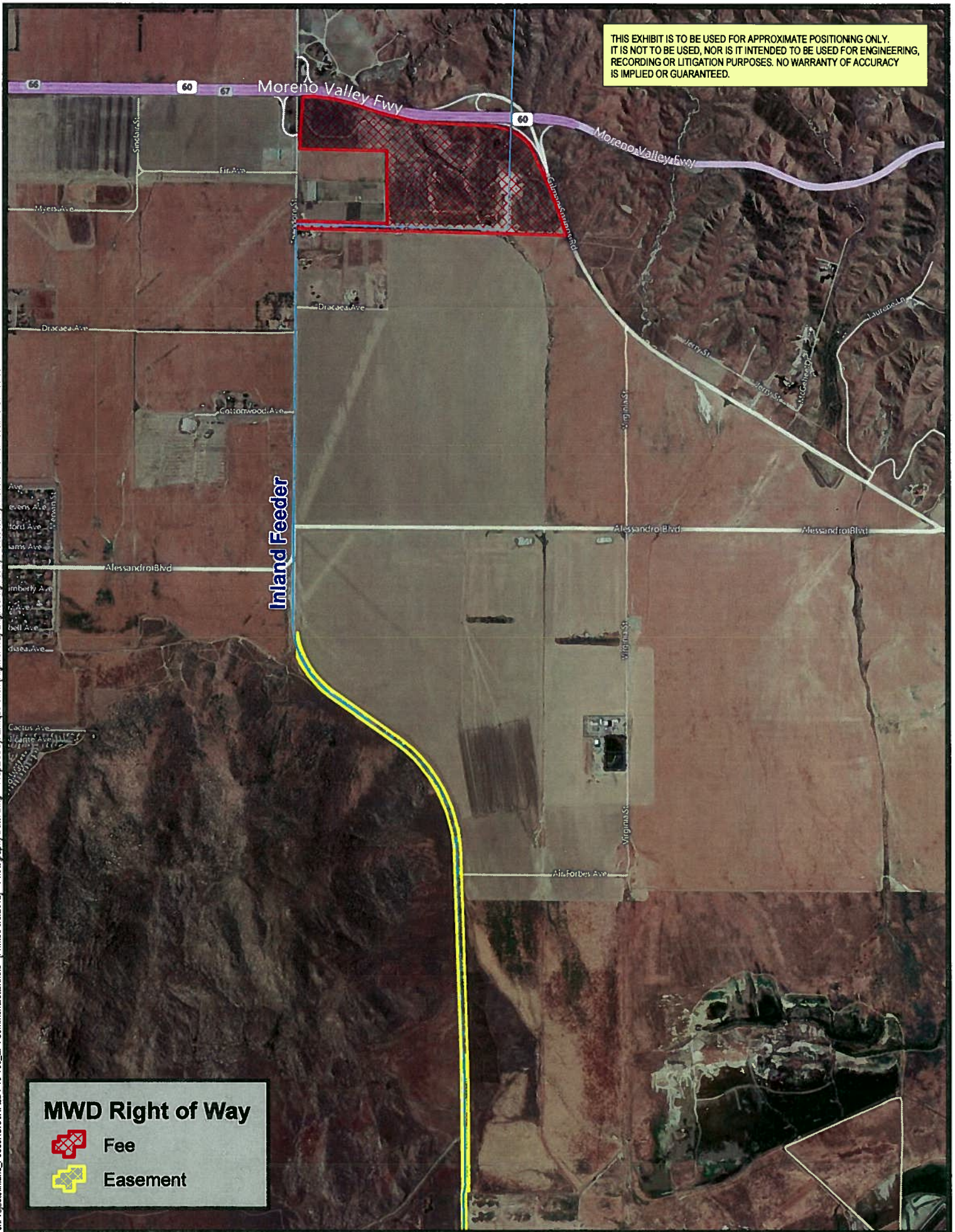
JH/jh

(J:\Environmental-Planning & Compliance\COMPLETED JOBS\2012\Folders\May 2012\Job No. 2012050303 \World Logistics Center Letter.docx)

Enclosures: Map of Metropolitan's Fee Property and Inland Feeder Alignment
Planning Guidelines

THIS EXHIBIT IS TO BE USED FOR APPROXIMATE POSITIONING ONLY. IT IS NOT TO BE USED, NOR IS IT INTENDED TO BE USED FOR ENGINEERING, RECORDING OR LITIGATION PURPOSES. NO WARRANTY OF ACCURACY IS IMPLIED OR GUARANTEED.

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MWD Right of Way



Fee



Easement



The Metropolitan Water District of Southern California
Engineering Services Group

Inland Feeder
MWD Right of Way

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RESPONSES TO LETTER C-2

Metropolitan Water District of Southern California

Response to Comment C-2-1. The commenter has accurately summarized the project information presented in the Draft Environmental Impact Report (DEIR). It should be noted the Specific Plan area has been reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet down 2.4 percent from the original 41.6 million square feet.

Response to Comment C-2-2. The commenter has accurately summarized the relevant Metropolitan Water District of Southern California (Metropolitan) property information to the proposed project, and the information provided by the commenter relative to the Inland Feeder will be added to Sections 3.3.1 and 4.4.1 of the DEIR. The Inland Feeder will be protected during project construction and occupancy by the presence of various roads and easements in the southern portion of the site, as shown on Figure 3.4A in Chapter 3 Project Description of the Final (F)EIR Volume 2. In addition, Appendix A to Comment Letter C-2 provided by MWD shows the general boundaries of its property in the northeast corner of the World Logistics Center Specific Plan (WLCSP) site.

Response to Comment C-2-3. This commenter expresses the Metropolitan's concern with the potential impacts to its fee property, the Inland Feeder pipeline. Development of the Metropolitan's property within the WLCSP would not occur without the express permission and approval of the District (i.e., no other entity could propose or process any development proposals on the Metropolitan property without Metropolitan's express consent). Development of surrounding properties within the WLCSP are not expected to cause physical or environmental impacts on the Metropolitan property, and all improvements and facilities owned by Metropolitan would be protected in place during development of the WLCSP.

Response to Comment C-2-4. The commenter states Metropolitan requires detailed design plans for any activities within the vicinity of their facilities, fee property, or rights-of way be submitted prior to construction for review and written approval. The goal of the WLC project is to create a regional logistics center on the entire WLCSP property. The Metropolitan property is located in the far northeast corner of the WLCSP site, and it is not located adjacent to Theodore Street and several intervening properties between the Metropolitan property and access to the SR-60 Freeway. In addition, the placement of the Metropolitan's existing facilities on its site would limit the placement of other land uses on this property. Therefore, it would be difficult to designate the Metropolitan property for a largely different land use compared to the rest of the WLC property.

Response to Appendix C-2-1. Appendix 1 was reviewed to address Response to Comment C-2-3.

Letter C-3: South Coast Air Quality Management District (April 9, 2013)



South Coast Air Quality Management District

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

Letter C-3

E-Mailed: April 9, 2013
markg@moval.org

April 9, 2013

Mr. Mark Gross
Community and Economic Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed World Logistics Center Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the World Logistics Center (WLC) Draft Environmental Impact Report (EIR), the lead agency's willingness to accept this letter one day late, and for the lead agency and applicant reaching out to us early on to discuss how to prepare the air quality analysis. The following comments are meant as guidance for the lead agency and should be incorporated into the Final EIR as appropriate.

1

The Draft EIR determines that the proposed project would have significant long term air quality impacts. Specifically, the air quality analysis demonstrates that the project's operational NOx emissions could exceed 3,000 pounds per day, compared to a CEQA significance threshold of 55 pounds per day. Further, the project's cancer risks exceed 100 per one million for onsite residents (i.e., residents within the plan area), and cancer risks exceed 10 per one million for residents close to the project site and in freeway adjacent communities reaching all the way to the SR-60 and I-15 interchange approximately 20 miles west of the project site.

2

These impacts will be added to a community that already experiences some of the worst air quality in the nation, with the local air quality monitor recording the sixth most exceedances of the 8-hour ozone standard nationwide (a total of 54 days in 2011). Other areas of the basin that have seen substantial increases in warehouse development also experience PM2.5 levels that exceed federal standards. Considering this existing air quality setting, and the proposed project's high level of emissions well above significance thresholds, additional mitigation must be implemented.

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SCAQMD staff appreciates that the project includes some design features and mitigation measures to reduce the air quality impacts from this regionally significant project. These include measures like the prohibition of trucks that do not meet 2010 emission standards, requiring all onsite equipment (like hostlers) to use alternative fuels, and providing onsite alternative fueling infrastructure. However, even with the incorporation of these

4

measures the Draft EIR reveals that air quality and cancer risk impacts are still significant, both during operations, and the ten year long construction period. Therefore, it is imperative that the lead agency specify how these measures will be made enforceable to ensure that the project's regional air quality impacts and health risk impacts are minimized and provide additional feasible mitigation.

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Because diesel truck emissions contribute over 95% of total air quality impacts from this project, additional measures must be taken to increase the number of alternative-fueled trucks serving this project and to reduce impacts on the community. These measures include: implementing a mandatory phase-in schedule for non-diesel trucks to serve the project, requiring additional onsite electric charging for trucks, requiring natural gas fueling infrastructure to be built before the first warehouse is completed, and providing additional buffers to separate diesel truck activity from the community. Details regarding these comments and others are provided in the attachment.

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Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the lead agency to address these issues and any other air quality questions that may arise. If you have any questions regarding the enclosed comments, please contact me at (909) 396-3244.

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Sincerely,



Ian MacMillan
Program Supervisor, CEQA-IGR
Planning, Rule Development, and Area Sources

SN:IM:DG

SBC130206-07
Control Number

1. Alternative Fueled Truck Phase-In Schedule

Given that the proposed project will generate significant health risk impacts to a large number of surrounding and on-site residents (with risks up to 100 in a million) and will generate significant regional emissions, the lead agency should require mitigation that requires accelerated phase-in for non-diesel powered trucks. For example, natural gas trucks, including class 8 HHD trucks, are commercially available today. Natural gas trucks can provide a substantial reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final EIR, the lead agency should require a phase-in schedule for these cleaner operating trucks to reduce project impacts. SCAQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the lead agency and project applicant.

7

2. Electric Vehicle (EV) Charging Stations

Trucks that can operate at least partially on electricity have the ability to substantially reduce the significant health risks and NOX impacts from this project. Further, trucks that run at least partially on electricity are projected to become available during the life of the project as discussed in the 2012 Regional Transportation Plan. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, the SCAQMD staff recommends the lead agency require each warehouse and other plan areas that allow truck parking to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in. Similar to the City of Los Angeles requirements for all new projects, the SCAQMD staff recommends that the lead agency require at least 5% of all vehicle parking spaces (including for trucks) include EV charging stations¹. Further, electrical hookups should be provided at the onsite truck stop for truckers to plug in Transportation Refrigeration Units and any other onboard auxiliary equipment.

8

3. CNG Fueling Station and Convenience Site (*Advanced Installation Date*)

As described in the Draft EIR, the proposed project is projected to generate health risks offsite greater than 10 in one million to both local residents and residents along the 60 Freeway. Further, the proposed project has the potential to generate these significant air quality impacts for the region beginning in the first year of construction and operation, hence it is crucial that the lead agency implement measures that could reduce emissions sooner rather than later. Natural gas trucks have the ability to substantially reduce health risk impacts as they do not emit any diesel particulate matter, the primary driver of health risk impacts. The SCAQMD staff therefore recommends that the lead agency revise mitigation measure 4.3.6.3C to require the installation of an alternative fueling facility (e.g., natural gas) to serve the project site prior to operation of any logistics warehousing within the plan area.

9

¹ http://ladbs.org/LADBSWeb/LADBS_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf

4. Operational Emissions Analysis and Mitigation Requirements

The local and regional air quality analysis for the proposed project is based on two scenarios identified in the Draft EIR as Scenario 1 and Scenario 2. Scenario 1 represents full build-out of the proposed project within one calendar year by 2012 whereas Scenario 2 represents a construction and operational phase-in schedule with full build-out of the project by 2022 (These Scenarios differ from HRA Scenarios 1 and 2 on a no project and with project analysis). In Scenario 1 of the regional emission analysis, the project would emit over 7.4 tons of NO_x emissions per day at project build out, while in Scenario 2 the project could emit over 1.5 tons per day of NO_x. A majority of these emissions (approximately 98%) are generated by the 14,600 daily heavy duty diesel truck trips estimated to serve the proposed project. Although Scenario 2 may be more representative of both construction and operation of the proposed project the lead agency based the project's significance determination for air quality impacts on Scenario 1 (worst case scenario). As a result, the Draft EIR allows for significant levels of NO_x emissions (over 7.4 tons per day) from the proposed project. For reference, 7.4 tons represents approximately one-fifth of the entire 2022 NO_x emissions budget from heavy-heavy duty trucks (HHDT) in the four county SCAB region. In comparison Scenario 2 build-out emissions comprise only about 4% of the baseline HHDT NO_x emissions in 2022. While it is exceedingly rare for a single project to account for ~4% of basin-wide emissions, the 20% estimate from Scenario 1 is unprecedented and does not present a credible value to determine significance based on project conditions described in the Draft EIR. The cause of this overestimate is likely due to the use of EMFAC 2007 instead of EMFAC 2011, and assuming that trucks not meeting 2010 emissions standards will be used.

10

SCAQMD typically encourages a conservative analysis for CEQA purposes; however, the scale of overestimation here does not seem appropriate. For example, it could let the lead agency at a later date allow much higher emissions than the Scenario 2 emissions estimate (for example through future variances from the 2010 truck requirement) without requiring additional mitigation pursuant to CEQA. SCAQMD encourages the lead agency to use the Scenario 2 estimate (adjusting it as necessary to make it appropriately conservative) to determine project significance and to provide contingency measures in case future conditions indicate that emissions might exceed this value.

5. Project Impacts Higher due to Proximity of Project to Existing Sensitive Receptors

The proposed project requires that all heavy duty trucks access the site via Theodore Street to avoid travelling within the adjacent residential community. Further, mitigation measure 4.3.6.4A(k) requires at least a 250-foot setback between residentially zoned property and warehouse buildings. It appears that the dispersion modeling takes this buffer zone and truck restriction into account. However, as seen in Figure 4.3.11 and 4.3.12 of the Draft EIR, cancer risk impacts still exceed SCAQMD's significance thresholds of 10 in one million for a substantial distance into the community, including an east-west band extending over one mile from SR-60. Pursuant to CEQA Guidelines 15126.4, all feasible mitigation must be implemented to reduce these impacts, even if the mitigated impact remains

11

significant. At a minimum, the project should require the 1,000 foot buffer as recommended in the state Air Resources Board's Land Use Handbook. This buffer should also apply to any undeveloped sensitive receptors that may be sited in the future next to the WLC Specific Plan area.

11

6. 2010 Diesel Haul Trucks, Service Yard Trucks and Other On-Site Equipment

Given that Scenario 2 of the Draft EIR allows for a significant levels of daily emissions (~1.5 tons/day of NO_x) from the proposed project it is imperative that the lead agency enforce the project operational restriction/design feature that requires all medium-heavy duty and heavy-heavy duty trucks entering logistics sites to meet or exceed 2010 engine emission standards. Additionally, the project requires that all service yard trucks and other onsite equipment be powered by electricity, natural gas, propane and/or 100% biodiesel fuel (see page 3-33 of the Project Description in the Draft EIR for discussion of this requirement, also, see comment #13 regarding bio-diesel fuel). However, it is uncertain to SCAQMD how these provisions will be enforced long-term. Therefore, the SCAQMD staff recommends that lead agency include a description in the Final EIR that specifies how the above-mentioned 2010 engine emissions standards and on-site equipment specifications will be enforced. In the event that the lead agency determines that it is not feasible to enforce these conditions that capture these requirements/design features the lead agency should revise the health risk assessment (HRA) to ensure that the analysis does not take credit for cleaner trucks and equipment thereby potentially underestimating the project's health risk impacts.

12

7. Solar Roof Panels

Previously, SCAQMD staff has heard lead agency staff state that all new warehouses must offset all office electrical use using solar generation either onsite or offsite. It is therefore surprising that while the proposed project consists of over 41 million square feet of roof space on buildings greater than 500,000 ft², that the lead agency does not provide any commitment in the Draft EIR to the installation of solar panels. Given the availability of roof space associated with this project the lead agency should maximize the opportunity to produce solar energy by including mitigation beyond MM 4.16.4.6.1A. Specifically, the lead agency should require that buildings maximize the possible number of solar energy arrays.

13

8. Onsite Residential Receptors

On page 4.3-73 (Table 4.3.AA) of the Draft EIR the lead agency identified the potential incremental cancer risk for onsite residential receptors as 100.7 in a million; however, the lead agency does not provide any discussion about mitigation for on-site receptors in the Draft EIR. The WLC Specific Plan provides a "Right-to-Farm" provision in section 11.5 that indicates that residential uses may stay on the project site for a considerable time, overlapping with warehouse operations. Therefore, the SCAQMD staff recommends that the lead agency provide discussion about the proximity of on-site residents to potential future warehousing within the plan area and any applicable project conditions or mitigation measures that will minimize the significant health risk impacts to these residents.

14

9. Cactus Avenue Truck Access

As described in the Draft EIR, while heavy duty trucks must access the site via Theodore Street, by 2022 more than 1,500 light-heavy and medium-heavy duty diesel trucks per day are projected to access the site via Cactus Avenue and then Iris Avenue to the southwest according to the Draft EIR. It is not clear what destination these trucks are serving as there do not appear to be any non-residential or school land uses within about 5 miles of this access point. The lead agency should clarify if this path is meant to be a truck route linking the warehouses on the west side of the city with those proposed in the project. If alternate routes are available that will not impact as many sensitive receptors, then those should be made a requirement of the plan.

15

10. Preclusion of Refrigerated Warehouse Space

Based on a review of the project's emissions calculations it appears that the lead agency determined the project's air quality impacts using emission factors for unrefrigerated warehouses/truck activity. However, the discussion provided in the first paragraph of page 3-33 (project description) of the Draft EIR allows for refrigerated warehouse uses whereas Section 11.1 of the WLC Specific Plan prohibits refrigerated warehouses. Therefore, the SCAQMD staff recommends that the lead agency either revise the air quality analysis to account for emissions from refrigerated warehouse uses or include a mitigation measure that precludes the use of refrigerated warehousing at the project site.

16

11. Fleet Mix/Trip Rate

The proposed project primarily supports goods movement in the region that relies on HHDTs, however, based on Table 17 of the Air Quality Appendix the proposed project assumes that only 12.5% of the proposed project's total trips are generated by HHDTs (from a total of 20% trucks). CalEEMod guidance and the NAIOP study referenced in the Draft EIR both indicate that a higher truck percentage may be more appropriate for the proposed land use. Further, regional goods movement operational activities fluctuate based on seasonality. For example, goods movement activity often increases at the end of the year with back-to-school and holiday seasons. Given that SCAQMD significance thresholds are based on peak daily emissions, the Final EIR should include a discussion about whether the trip rates are annual average rates or peak daily rates that include adjustments for seasonality. Also, given that the project could significantly elevate health risk impacts to residents surrounding the project site and regional goods movement corridors, the SCAQMD staff recommends that the lead agency incorporate mitigation and monitoring that ensures any additional air quality impacts from extra diesel haul truck trips beyond those identified by the Draft EIR are publicly disclosed and mitigated where feasible.

17

12. Health Risk Impacts

The HRA contained in the Draft EIR appropriately compares the project's cancer risk levels to SCAQMD's Maximum Incremental Cancer Risk (MICR) threshold of 10 in one million. However, it does not appear that the lead agency conducted a cancer burden analysis using the SCAQMD's significance threshold of 0.5. A cancer burden calculation provides a more useful measure of the extent of cancer risk across a

18

populated area. Given the large area already encompassed within the 10 in one million risk contour in Figure 4.3.11, the one in one million contours will likely affect a much larger population. The Final EIR should include maps showing the one in one million contours as well as the calculated cancer burden.

18

13. On-Site Equipment

Based on a review of the air quality analysis it does not appear that the lead agency included potential emissions from on-site equipment (e.g., service yard trucks, emergency generators and auxiliary equipment) used for logistics operations in the air quality impacts significance determination. Therefore, the SCAQMD staff recommends that the lead agency revise the air quality analysis and HRA to include all on-site emissions sources and ensure that they are accounted for in the Final EIR. Also, given that on-site equipment emissions will contribute to the project's overall significant air quality and health risk impacts the SCAQMD staff recommends that the lead agency prohibit the use of on-site diesel powered equipment including bio-diesel to minimize the project's operational emissions and require the use of electric equipment. If diesel fueled emergency generators are required for the proposed project they should be equipped with diesel particulate filters. Installing diesel particulate filters on emergency standby engines is feasible and would ensure compliance with BACT, and SCAQMD Rules 1470 and 1472.

19

14. Onsite Mobile Equipment not Included in Localized or Regional Analysis

Neither the regional emissions nor dispersion modeling analyses include emissions from onsite mobile equipment such as hostlers and forklifts. While section 11.3 of the Specific Plan requires that all onsite mobile equipment utilize alternative fuels to reduce diesel emissions, this equipment will still emit criteria pollutants such as NO_x and PM if it relies on fuels like natural gas. Emission factors for hostlers and forklifts can be obtained either from ARB's OFFROAD2007 or from engine manufacturers if specific equipment types are known. These emissions should be included in the regional emissions estimate and the localized criteria pollutant analyses in the Final EIR.

20

15. Localized NO₂ Dispersion Modeling Analysis Methodology

The NO₂ modeling analysis for combined construction and operation of the project does not compare against the federal one hour standard. Because the construction duration will last more than the three year averaging period of the standard, and because construction will overlap with operations, NO₂ concentrations should also be compared against the federal standard for this period.

21

Further, the annual average emission rate was used for the 1-hour analysis. Because this 1-hour standard is designed to evaluate peak impacts, a peak one hour emission rate should be input into all hours that it could reasonably occur in the model. Although peak 1-hour emissions are calculated within the emission calculation spreadsheets provided to SCAQMD, it is not clear if these are appropriate for this exercise. The peak 1-hour rates in the calculation sheets take an entire day's

emissions and puts them all into one hour. As this intensity of activity is unlikely to occur, a peak hour should be calculated based on anticipated operations.

21

16. Construction Mitigation Measures

Given that the construction air quality analysis in the Draft EIR demonstrates significant regional air quality impacts from NO_x, VOC, CO, PM₁₀ and PM_{2.5}, and significant local air quality impacts from NO₂, PM₁₀ and PM_{2.5}, the SCAQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines Section 15126.4. Specifically, SCAQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below. Also, the lead agency should note that the following measures have been determined to be feasible and applicable to past projects within other jurisdictions².

- Require the use of electricity from power poles rather than temporary diesel or gasoline power generators, and
- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NO_x and PM emissions requirements.

22

Further, SCAQMD staff recommends that the lead agency replace MM 4.3.6.2A (a) and (b) with the following:

- ✓ Project Start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

² For example see the Metro Green Construction Policy at:

http://www.metro.net/projects_studies/sustainability/images/Green_Construction_Policy.pdf

- ✓ Encourage construction contractors to apply for SCAQMD “SOON” funds. Incentives could be provided for those construction contractors who apply for SCAQMD “SOON” funds. The “SOON” program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website:
<http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:
www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

Also, the SCAQMD staff recommends that the lead agency replace mitigation measures 4.3.6.2C (a) as follows:

- a) Non-VOC containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the Project to reduce VOC emissions to the maximum extent practicable.

17. Cleaner Operating Truck Incentive Programs

The project should require that all tenants provide information and promote incentive programs and available alternative fueling truck technologies. This information should be updated as needed to ensure that the most recent information is available. Further, the lead agency should require that all future tenants apply for incentive funding (such as VIP, Carl Moyer, etc.) to upgrade their fleet. If they are awarded funding, they must also be required to use it within a reasonable period of time.

22

23

RESPONSES TO LETTER C-3

South Coast Air Quality Management District

Master Response-1 Changes to Air Quality, Greenhouse Gas, and Health Risk Assessment

Master Response-2 Health Effects of Diesel Particulate Matter

Master Response-3 Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment

Master Response-4 1,000 Foot Buffer

Master Response-5 Air Filtration Systems for Residences

Master Response 1: Changes to Air Quality, Greenhouse Gas, and Health Risk Assessment

The following is based on the revised Air Quality, Greenhouse Gas, and Health Risk Assessment.

Air Quality Improvement in the South Coast Air Basin

The project is located within the South Coast Air Basin (air basin). The air quality in the air basin has been steadily improving over the last couple of decades as measured in air pollutant concentrations by the South Coast Air Quality Management District (SCAQMD). A concentration of a pollutant is a measure of the amount of a pollutant in the air. Some pollutants are measured in parts per million (ppm) and some are measured in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).

When sensitive people, such as children, pregnant women, and the elderly, breathe in air pollutants, they can experience health effects. These health effects differ based on the type of pollutant, the length of time someone is exposed, and the concentration of the pollutant. In general, health effects can include coughing, sore throat, chest pain, difficulty breathing, reduced lung function, asthma aggravation, chronic lung diseases, cancer, and lung damage.

Federal, state, and local agencies enact rules and regulations to reduce air pollutant emissions to protect the health of sensitive individuals. The United States Environmental Protection Agency (EPA) sets federal ambient air quality standards and the California Air Resources Board (ARB) sets state ambient air quality standards to protect public health and welfare. When concentrations of pollutants exceed the standards, sensitive individuals may experience health effects.

Ozone is a pollutant formed in the air when emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_x) combine in the presence of sunlight. Ozone is a pollutant of concern in the air basin because ozone levels exceed the ozone standards. As shown in Figure 4.3.1: *Ozone Concentration Trends in the South Coast Air Basin* in the Final Environmental Impact Report (FEIR) Volume 2, ozone concentrations in the basin have generally decreased over the past twenty years for 1-hour and 8-hour averaging time periods as defined by the State and/or federal ambient air quality standards. The 1-hour and 8-hour concentration refers to the average of the concentration over a 1-hour and 8-hour time period, respectively.

The main source of NO_x and VOC emissions in the basin are from on-road motor vehicles, not from the operation of buildings. Although vehicle miles traveled in the basin continue to increase, ozone concentrations are decreasing because of the mandated controls on motor vehicles and the replacement of older polluting vehicles with cleaner and lower-emitting vehicles. VOC and NO_x are ozone precursors; therefore, if those emissions decrease, it follows that ozone concentrations would

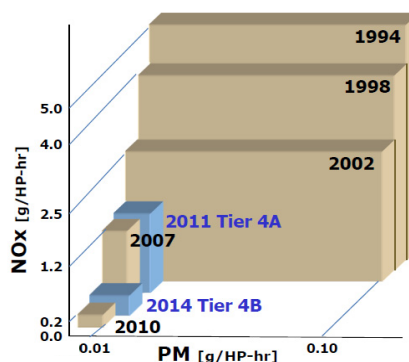
also decrease. Another pollutant of concern is particulate matter (PM). PM is a mixture of small particles and liquid droplets suspended in the air. It is made up of components such as chemicals, metals, soil, or dust particles. The size of these particulates is linked to their potential for causing health problems. Ultrafine particles are less than 0.1 in micron in diameter, fine particles are less than 2.5 microns in diameter (PM_{2.5}), and coarse particles are larger than 2.5 microns and smaller than 10 microns in diameter (PM₁₀). The Air Resources Board (ARB) and Environmental Protection Agency (EPA) have established standards for PM_{2.5} and PM₁₀ but not for ultrafine particles. PM_{2.5} and PM₁₀ are a concern in the air basin because sometimes the concentrations exceed the standards. PM_{2.5} is often used as a marker for toxic air pollutants such as diesel PM.

As shown in FEIR Section 4.3, PM₁₀ and PM_{2.5} annual concentrations have continued to decrease since 1990 within the air basin as a whole. Additionally, emissions are expected to decrease and then level out after the year 2014.

In the Inland Empire there is a marked decreasing trend in PM_{2.5} 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 PM_{2.5} levels have displayed a decreasing trend in the Inland Empire despite increases in urban development including the development of large warehouse complexes since 2001.

Part of the success in the decreasing NO_x and PM emissions are standards placed on motor vehicles. The figure below demonstrates the changes in U.S. heavy duty diesel emission standards for NO_x and PM. The project would incorporate mitigation that would require that the heavy duty trucks accessing the project incorporate 2010 emissions standards. As shown below, the 2010 standards are only a fraction of the older standards, at 0.2 grams per horsepower hour (g/HP-hr) of NO_x and 0.01 g/HP-hr of PM. The text in blue represents the off-road construction standards; 2011 is Tier 4 Interim and 2014 is Tier 4 Final.

Exhibit C-3-1: Changes in U.S. Heavy Duty Diesel NO_x and PM Emission Standards



Air Pollutant Emissions from Project

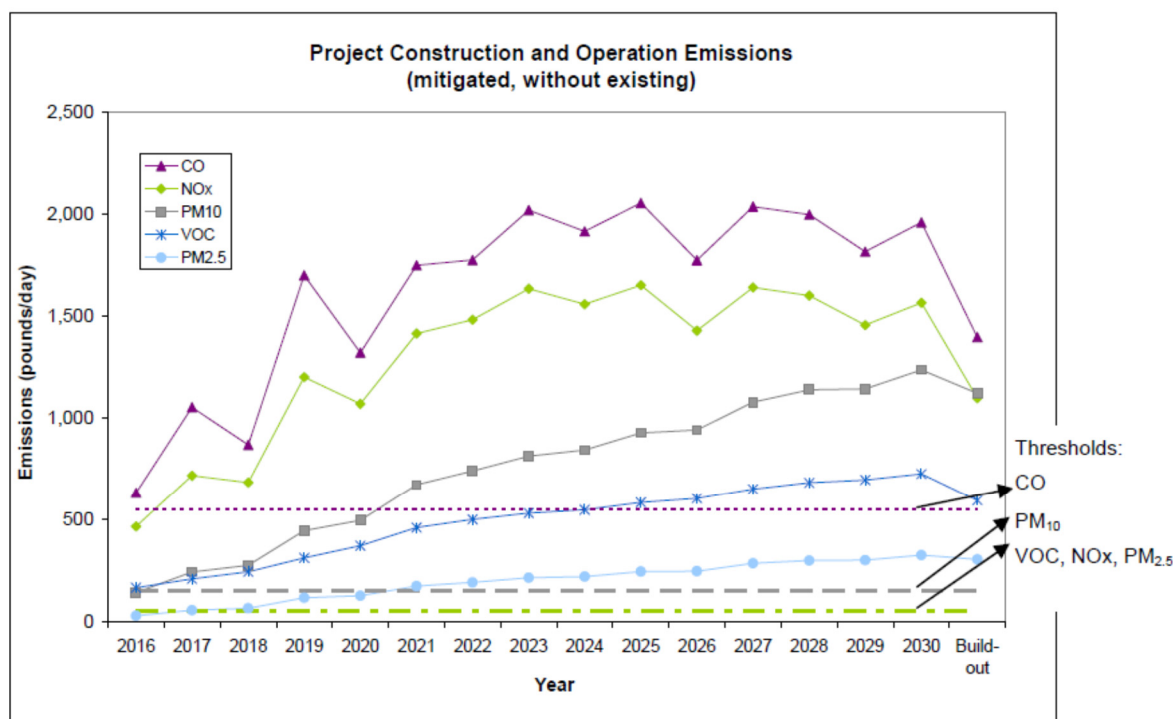
The construction and operation of the project would generate various sources of air pollutant emissions. During construction, there would be exhaust and dust emissions from the onsite construction equipment, worker vehicles, and haul trucks. During operation, there would be exhaust emissions from the heavy-duty trucks that would bring goods and materials to and from the warehouses, as well as worker vehicles, and onsite equipment. There would also be dust emissions from travel on paved roads.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The construction related emissions of VOC, NO_x, CO, and PM₁₀ as estimated in the revised analysis are still significant. However, after mitigation, PM_{2.5} emissions are now less than significant. Average daily emissions of VOC, NO_x, CO, and PM_{2.5} have decreased by approximately 100, 600, 500, and 25 pounds per day, respectively. This is primarily because the construction period for the project increased from 10 years to 15 years, the construction activity levels decreased, Tier 4 equipment is now applied as mitigation, and a newer version of the California Emissions Estimator Model (CalEEMod) land use emission model was used to estimate construction emissions. The average PM₁₀ emissions increased slightly by an average of approximately 35 pounds per day, primarily because of the inclusion of unpaved road dust in the emissions estimates.

The mitigated combined construction and operational emissions (without the existing emissions subtracted) are shown in Exhibit C-3-2 below. All combined emissions (with the exception of sulfur oxides, which are negligible) would exceed the SCAQMD's regional significance thresholds. The emissions (except sulfur oxides) would exceed the thresholds individually for construction and operation as well.

Exhibit C-3-2: Project Construction and Operation Emissions



Operational emissions at buildout for the revised analysis as compared with the estimates in the DEIR are as follows:

- For unmitigated operational emissions, VOC, NO_x, CO, and PM₁₀ emissions decreased by approximately 140, 1800, 2200, and 600 pounds per day lower than in the DEIR, respectively.
- Mitigation reduces NO_x by approximately 200 pounds per day at buildout. Mitigated operational emissions of VOC, NO_x, CO, and PM₁₀ are approximately 140, 2000, 2000, and 600 pounds per day lower than in the DEIR, respectively.

- Emissions of PM_{2.5} increased by approximately 150 pounds per day in both unmitigated and mitigated scenarios because of the use of updated ARB mobile source emission factors.

The revised emissions are lower because of the following: a reduction in the project size (from 41.6 to 40.6 million square feet); the emission factors for the mobile trucks and vehicles have been updated to the ARB's newest factors; and the project's vehicle miles traveled (VMT) decreased. In the DEIR, the VMT at buildout for diesel trucks was 730,100 miles per day and in the revised analysis, the VMT for diesel vehicles is 420,400 miles per day; therefore, the VMT for diesel vehicles decreased by approximately 309,700 miles per day. The VMT decreased because the analysis in the DEIR assumed an arbitrary average of 50 miles per trip for all heavy duty trucks, while the revised analysis computed the VMT using forecast traffic volumes from a detailed regional transportation model for nearly 500 freeway and roadway segments represented in detail in the Traffic Impact Analysis. The VMT for light duty vehicles increased by approximately 64,600 miles: in the Draft EIR, the VMT for light duty vehicles was 549,700 miles per day and in the revised analysis, the VMT for gasoline vehicles is 614,300 miles per day. To put the revised VMT in terms of an average trip rate, it would be 14.9 miles per trip (1,034,750 miles/day divided by 69,549 trips/day) on average, which includes all vehicle types. An average trip rate for the diesel vehicles would be approximately 35.3 miles per trip (420,440 miles/day divided by 11,908 trips/day). An average trip rate for the light-duty vehicles would be approximately 10.7 miles per trip (614,310 miles/day divided by 57,641 trips/day).

Localized Air Quality Analysis

The analysis of localized air quality impacts determines the potential of the project to violate any air quality standard, contribute substantially to an existing or projected air quality violation, or expose nearby sensitive receptors to substantial pollutant concentrations. This analysis is commonly referred to as a Localized Significance Threshold (LST) analysis and considers the emissions that are generated from all construction and operational activities while within or along the boundaries of the project. Based on estimates of project local emissions and their corresponding air quality impacts, the following is a summary of the project's localized impact analysis:

- The highest localized air quality impacts would occur at the existing residences within the project boundaries.
- After application of mitigation, the project impacts would not exceed any SCAQMD localized significance threshold at any residential or sensitive receptor located outside of the project boundaries for any of the localized air quality assessments evaluated in the revised air quality analysis for the assessment years 2012, 2021, 2027, and final build out assumed to be 2035.
- After application of mitigation, project impacts would exceed the SCAQMD localized significance thresholds for PM₁₀ during operation under the Project Phase 1 (2012) condition at the existing residences located within the project boundaries, assuming Phase 1 of the Project would be fully in operation in the existing year 2012.
- After application of mitigation, project impacts would exceed the SCAQMD localized significance for PM₁₀ during operation under the Project Phase 1 and Phase 2 Full Build Out (2012) condition at the existing residences located within the project boundaries, assuming that the project would be operational in the existing year 2012.
- After application of mitigation, project impacts would exceed the SCAQMD localized significance thresholds for PM₁₀, concentrations at the existing residences located within the project boundaries during the year 2021 when the project construction would take place at the western portion of the project adjacent to the existing residences across Redlands Boulevard.

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

- After application of mitigation, project impacts would exceed the SCAQMD localized significance thresholds for PM₁₀ at the existing residences located within the project boundaries in 2027, the year when construction activities would take place along the east portion of the project adjacent to the existing residences across Gilman Springs Road.
- At final buildout project impacts would exceed the SCAQMD localized significance thresholds for PM₁₀ concentrations at the existing residences located within the project boundaries during operations under the proposed development schedule.

Cancer Risk from Project

Diesel particulate matter (diesel PM) is the primary pollutant of concern regarding the emissions of toxic air contaminants (TAC) from the project. A TAC is a chemical that is present in the atmosphere in small quantities but, nonetheless, can result in cancer health risks and non-cancer health hazards. The ARB, after a 10-year research investigation identified diesel PM as a carcinogenic substance. Diesel PM is a complex mixture of perhaps a few hundred chemical components. Even though diesel PM comprises numerous compounds, cancer risk from the inhalation of the diesel PM as a whole will outweigh the cancer risk associated with the individual chemical components.

As stated by the (California) Air Resources Board (ARB) in study of diesel PM exposure from ports and goods movement in California, “Risk assessment has various uncertainties in the methodology and is therefore deliberately designed so that risks are not under predicted. Risk assessment is thus best understood as a tool for comparing risks from various sources, usually for purposes of prioritizing risk reduction, and not as literal prediction of the community incidence of disease from exposure” (ARB 2006, Page 4).

It should be noted further that the geographical scope of the health risk analysis was expanded in the revised analysis to cover an area of approximately 3,500 square miles that extended from Palm Springs to the ports of Los Angeles and Long Beach. The geographical scope contained in the revised analysis is about 40 percent greater than the area encompassed in the DEIR and was required to analyze project impacts all the way from the project site to the ports of Los Angeles and Long Beach.

During construction, the diesel powered vehicles and equipment would emit diesel PM. During operation, the diesel trucks that would access the project site would also emit diesel PM. In addition, diesel PM would also be emitted by standby emergency generators and yard service trucks in the unmitigated case (diesel prohibited with mitigation). Gasoline fueled vehicles emit organic gases, some of which are classified as TACs. The revised air quality analysis determined the cancer risk and non-cancer hazards from exposure to those air toxics at sensitive/residential receptors, worker receptors, and school sites in the area. In the DEIR, only impacts from diesel PM were assessed; for the revised analysis, total organic gases were also included to analyze acute non-cancer hazards from diesel and gasoline powered vehicles.

Exposure Durations for Cancer Risk

In the FEIR, cancer risk is presented for periods of 30 years under the Current OEHHA Guidance for residential exposure and 25 under the Current OEHHA Guidance for worker exposure. In addition, the FEIR included a 9-year exposure duration to examine health impacts on school age children.

The underlying factors used in the analysis exemplify the conservative nature of utilizing the exposure scenarios and the underlying assumptions:

- The residential cancer risk calculation assumes that each resident will be exposed to diesel particulate matter (diesel PM) and organic gases for 24 hours a day for 350 days a year at

the location of his or her home throughout the residential exposure period. It's as if no one ever left his or her backyard to go to work or school.

- Studies have shown that over 90 percent of all residents remain in their homes for less than 30 years.
- The worker cancer risk calculation assumes that workers are exposed to diesel PM for 8 hours a day for 245 days a year, next to, but outside of the buildings in which they work.
- Studies have shown that over 95 percent of workers stay at the same job location for less than 25 years.
- Cancer risk results are derived using the emissions from construction equipment and cars and trucks which will serve the project. Emissions are a function of the number of construction equipment in usage, length of time in operation, power of the equipment, and load factor while mobile source emission depend on the number of vehicle trips and miles traveled, vehicle class, model year, and vehicle speed. The project's emissions have been estimated using methodologies published by the SCAQMD and the CARB.
- The atmospheric dispersion model and traffic model (used in estimating mobile source emissions) that are used to estimate risks generally provide impact estimates that are over-estimates based on the use of conservative model assumptions.

Trip Estimates are Conservative

It should also be noted that the traffic analysis used a conservative estimate of the number of truck trips after the project begins operation. This is important because diesel PM emissions are directly related to both the number of trucks and the vehicle miles traveled.

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.

Conclusion

The revised EIR provides cancer risk calculations based on both 30-year exposure periods for residential receptors and 25-year exposure periods for work place receptors using the Current OEHHA Guidance, the cancer risks exceed the cancer risk significance threshold at existing residences located within the project boundary but do not exceed the threshold at residences located outside of the project boundary. Further, even though the significance threshold is exceeded on a numerical basis, the risks are expected to be less than significant based on the new health research results from the Health Effects Institute (HEI) that evaluated the health effects of diesel PM emissions from new technology diesel engines such as those that are required as a mitigation measure for this project (MM 4.3.6.2B) that requires that all diesel fueled trucks must be compliant with Model Year 2010 truck emission standards. The HEI study clearly demonstrates that the application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust that were identified when it was designated a toxic air contaminant by CARB in 1998. That designation spurred a series of regulations that brought forth transformative emissions control technology, significantly reducing both emissions and the associated health impacts. This finding is

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

further re-enforced by the mitigation requirement that all diesel construction equipment greater than 50-horsepower meet Tier 4 emission standards, the most stringent emission control requirements on off-road construction equipment. The public and the City's decision makers will be presented, and therefore will be fully informed, about the extent of the project's cancer risks.

Summary of Health Risk Results

To provide an understanding of the meaning of cancer risk, a person exposed to a cancer risk level of 1 in a million implies a likelihood that up to one person, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day indoors and outdoors) to the levels of toxic air contaminants over a specified duration of time such as 30 years. This risk would be an excess cancer risk in addition to any cancer risk borne by a person not exposed to the project's emissions. The results of the health risk assessment prior to the application of mitigation are summarized in Table C-3.A for various receptors located within the project boundaries and outside of the project boundaries as shown in the DEIR. Compared to the risks shown in the DEIR, the revised risks are substantially lower. This is due to several reasons including changes in the original construction and occupation schedule, realignment of the internal roadways, reductions in the total size of the project, reductions in the construction equipment inventory, use of the EMFAC2014 mobile source emission model for mobile sources and the newest version of the CalEEMod for estimating construction emissions, and a 5-day construction work week. The maximum daily emissions are required for the regional analysis, because project emissions can occur on any day of the week. However, in order to calculate annual average emissions, it is necessary to base emissions upon a realistic work schedule. The revised analysis assumes a more realistic annual average use of construction equipment by assuming that the maximum equipment would occur for five days per week (instead of six days per week as in the DEIR). In this way, an annual average emission inventory was estimated.

Table C-3C shows the resulting cancer risks estimated with the application of the "Current OEHHA Guidance" that includes a 30-year exposure duration and incorporated age-sensitivity factors. As noted therein, the results shown in Table 3C-C are consistent with the significance results shown in the DEIR that concluded that the SCAQMD cancer risk significance threshold is exceeded at locations both within and outside of the project boundary including both existing residential areas as well as in residentially-zoned areas to the southwest of the project and along Gilman Springs at the eastern boundary of the project prior to mitigation.

Table C-3D and Table C-3E summarize the results of the project cancer risks after application of mitigation. As noted in Table C3-E with the "Current OEHHA Guidance", the SCAQMD significance threshold is exceeded at 3 existing residences located within the project boundary.

Based on the recent research results published by the Health Effects Institute, the diesel PM emissions from the truck fleet and construction fleet that will be operated by the project consisting of Model Year 2010 diesel trucks and Tier 4 off-road construction equipment, the project's impacts are not expected to result in significant cancer risk impacts.

In response to comments, analysis of implementing a 1,000 foot buffer indicates that the buffer would not have a substantial impact on the cancer risk estimates. There is only a minimal difference in the maximum values and a negligible difference in the cancer risk contours. The health risk assessment also has the following cancer burden and non-cancer results:

- The project's cancer burden level of 0.1 after mitigation based on the Current OEHHA Guidance that call for a 70-year exposure duration and age-sensitivity factors in estimating cancer burden.; therefore, the project would not exceed the SCAQMD's threshold of 0.5.
- The project's non-cancer chronic and acute hazard index would not exceed the SCAQMD's thresholds at any receptor.

- The project would result in a cumulatively considerable health risk impact even after mitigation for sensitive/residential receptors.

Exhibit C-3-3 below presents the project risk in perspective with other lifetime risks in the United States based on mortality statistics. As shown in the chart, the project cancer risk has a slightly higher risk than dying from a lightning strike and lower risk than accidental drowning.

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Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table C-3A: Estimated Cancer Risks, 70-Year Exposure Duration for Sensitive/Residential Receptors as Shown in the Draft EIR

Receptor Location	Unmitigated			Mitigated		
	Total Incremental Cancer Risk ⁽¹⁾ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?	Total Incremental Cancer Risk ⁽¹⁾ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ⁽²⁾	100.7	10	Yes	76.8	10	Yes
Maximum risk at existing residences within the project boundaries	100.7	10	Yes	76.8	10	Yes
Maximum risk at any existing residential area outside of the project boundaries ⁽³⁾	22.2	10	Yes	20.9	10	Yes

Notes:

⁽¹⁾ 70-year average exposures from 2015 to 2084 (includes diesel PM emissions from construction and operation); cancer risk estimates derived from the EMFAC2011 emission model and “Current SCAQMD Guidance” for estimating cancer risks as presented in the Draft EIR

⁽²⁾ Location is at the existing residences within the boundaries of the project

⁽³⁾ Location is at the southwest corner of the project

⁽⁴⁾ Location is at an undeveloped property zoned for residential at the southwest corner of the project

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report*, 2015.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table C3-C: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors, Based on the “Current OEHHA Guidance” Without Mitigation (new)

Receptor Location	Incremental Cancer Risk During Project Construction (risk/million)	Incremental Cancer Risk During Project Operation (risk/million)	Total Incremental Cancer Risk⁽¹⁾ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ⁽²⁾	180.8	5.7	186.5	10	Yes
Maximum risk at existing residences within the project boundaries ⁽³⁾	180.8	5.7	186.5	10	Yes
Maximum risk at any existing residential area outside of the project boundaries ⁽⁴⁾	47.2	2.3	49.5	10	Yes
Maximum risk at any undeveloped residentially zoned property outside of the project boundaries ⁽⁵⁾	40.5	2.5	43.0	10	Yes

Notes:

⁽¹⁾ 30-year average exposures from 2015 to 2044 (includes diesel PM emissions from construction and operation); cancer risk estimates derived from the EMFAC2014 emission model and “Current OEHHA Guidance” for estimating cancer risks

⁽²⁾ Location is at the existing residences within the boundaries of the project

⁽³⁾ Location is at the existing residences within the boundaries of the project

⁽⁴⁾ Location is at the southwest corner of the project

⁽⁵⁾ Location is at an undeveloped property zoned for residential at the southwest corner of the project

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report*, 2015.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

**Table C3-E: Estimated Cancer Risks, 30-Year Exposure Duration for Sensitive/Residential Receptors, Based on the “Current OEHHA Guidance”
With Mitigation (new)**

Receptor Location	Incremental Cancer Risk During Project Construction (risk/million)	Incremental Cancer Risk During Project Operation (risk/million)	Total Incremental Cancer Risk⁽¹⁾ (risk/million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
Maximum risk anywhere in the modeling domain ⁽²⁾	11.4	5.2	16.6	10	Yes
Existing residences within the project boundaries					
13100 Theodore St	11.2	4.0	15.3	10	Yes
13200 Theodore St	11.1	4.1	15.2	10	Yes
13241 Theodore St	11.4	5.2	16.6	10	Yes
30220 Dracaea Ave	5.0	3.3	8.3	10	No
30240 Dracaea Ave	5.0	3.3	8.3	10	No
29080 Dracaea Ave	3.0	1.4	4.4	10	No
29140 Dracaea Ave	4.8	1.6	6.4	10	No
Maximum risk at any existing residential area outside of the project boundaries ⁽³⁾	2.7	1.5	4.2	10	No
Maximum risk at any undeveloped residentially zoned property outside of the project boundaries ⁽⁴⁾	2.1	1.8	3.9	10	No

Notes:

⁽¹⁾ 30-year average exposures from 2015 to 2044 (includes diesel PM emissions from construction and operation); cancer risk estimates derived from the EMFAC2014 emission model and “Current OEHHA Guidance” for estimating cancer risks

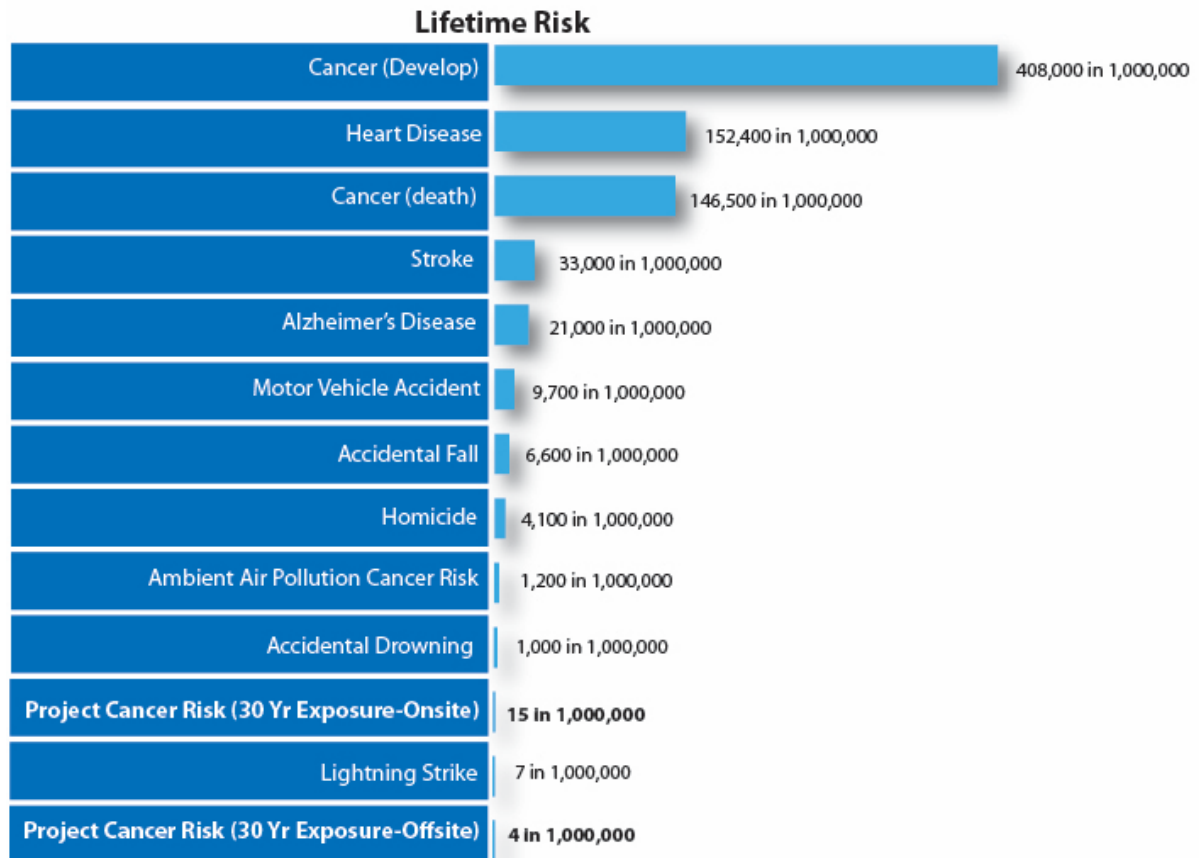
⁽²⁾ Location is at the existing residences within the boundaries of the project

⁽³⁾ Location is at the southwest corner of the project

⁽⁴⁾ Location is at an undeveloped property zoned for residential at the southwest corner of the project

Source: *Air Quality, Greenhouse Gas, and Health Risk Assessment Report*, 2015.

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Source: Michael Brandman Associates 2011

Exhibit C-3-3: Lifetime Risks in the United States Based on Mortality Statistics

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Greenhouse Gas Emissions from Project

Greenhouse gas (GHG) emissions are of concern because the accumulation of them in the atmosphere can contribute to climate change. California's Assembly Bill (AB) 32 requires that the State reduce its greenhouse gas emissions to 1990 levels by the year 2020. One of the ways California will reduce these emissions is through the California Cap-and-Trade Program. This program places a cap on certain sectors (e.g., electricity generation, petroleum refining, and cement production). The cap provides regulatory certainty of future emissions since regulated entities will not be permitted to emit GHG emissions that exceed the cap. The project emissions sources covered by the Cap-and-Trade Program include fuel combustion sources (motor vehicle and truck exhaust, construction exhaust, natural gas, onsite equipment) and electricity generation. The project emissions sources not covered by the Cap-and-Trade Program include waste decomposition in landfills, land use change, and refrigerant leakage.

The analysis in the DEIR did not divide the greenhouse gas emissions into AB 32 capped and uncapped emissions. The DEIR compared the total project emissions to the SCAQMD draft industrial threshold for greenhouse gas emissions of 10,000 metric tons of carbon dioxide equivalents (MTCO₂e) per year and found the emissions to be significant and unavoidable even after mitigation. However, the revised analysis divides the Greenhouse Gas Emissions into capped and uncapped and compares the uncapped emissions to the SCAQMD's significance threshold.

The SCAQMD has recognized that the GHG emissions associated with capped sources should not be counted for the purpose of determining what the GHG emissions are for facilities that will use electricity generated elsewhere. See the following negative declarations adopted by the SCAQMD:

- Ultramar Inc. Wilmington Refinery Proposed Cogeneration Project, SCH No. 2012041014, April, 2013 (available at www.aqmd.gov/ceqa/documents/2013/nonaqmd/Ultramar_Neg_Dec.pdf)

- Phillips 66 Los Angeles Refinery Carson Plant - Crude Oil Storage Capacity Project, SCH No. 2013091029, September 2013, (available at www.aqmd.gov/ceqa/documents/2013/nonaqmd/Draft_ND_Phillips_66_Crude_Storage.pdf).

A summary of the greenhouse gas emissions as estimated in the DEIR and the FEIR is shown in the table below. The analysis in the FEIR divides the AB 32 capped and uncapped emissions and compares the uncapped emissions to the SCAQMD significance threshold. As shown in the Table C-3.B, after mitigation, the AB 32 uncapped emissions do not exceed the SCAQMD's threshold of 10,000 MTCO₂e.

As shown in Table C-3.B the emissions as estimated in the Final EIR are lower mainly because of the following reasons:

1. Motor vehicle emissions were reduced by about 163,000 MTCO₂e/year because of the reasons specified in the operational regional analysis regarding updated emission factors and vehicle miles traveled.
2. Operational waste emissions were reduced by approximately 136,000 MTCO₂e/year because the new version of CalEEMod (2013) lowered its waste generation rates for warehouse development.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table C-3.B: Summary of Greenhouse Gas Emissions Results

Year at Build out	Source of Operation Emissions*	Greenhouse Gas Emissions (MTCO ₂ e/year)			
		Unmitigated		Mitigated	
		DEIR	FEIR	DEIR	FEIR
2012	Worst-Case Total	751,787 ^(a)	509,247 ^(c)	N/A = Not Estimated	N/A = Not Estimated
2022 for DEIR 2035 for FEIR	Total 2031 for FEIR	721,034 ^(b)	415,991(d)**	665,321 ^(e)	385,599 **
	AB 32 Capped	**	396,754 ^(d)	**	379,824 ^(f)
	AB 32 Uncapped	**	19,237 ^(d)	**	5,775 ^(f)
DEIR = World Logistics Center Project Draft Environmental Impact Report (February 2013) FEIR = World Logistics Center Project Final Environmental Impact Report (2014) * = The emissions are operational emissions and include the construction emissions averaged over 30 years. N/A = not applicable because mitigated emissions were not estimated for the worst-case scenario. ** = The total emissions are not applicable for the FEIR because the emissions are divided into AB 32 capped and uncapped emissions. A division of the capped and uncapped emissions was not done in the DEIR. Sources: Air Quality, Greenhouse Gas, and Health Risk Assessment Report, 2015. (a) DEIR Table 4.7.F; (b) DEIR Table 4.7.G; (c) FEIR Table 4.7.F; (d) FEIR Table 4.7.G; (e) DEIR Table 4.7.I; (f) FEIR Table 4.7.I					

Master Response-2 Health Effects of Diesel Particulate Matter

A common theme in many of the comments received concerning air quality dealt with the health impacts from diesel particulate matter (diesel PM). Based upon the information available at the time the DEIR was circulated, the health effects of diesel PM were discussed in the DEIR (pages 4.3-10, 4.3.-32-37, and Appendix D, pages 52–60), as follows:

“Diesel PM is part of a complex mixture of thousands of particles and gases that is produced when an engine burns diesel fuel. Organic compounds account for 80 percent of the total particulate matter mass, which consists of compounds such as hydrocarbons and their derivatives. Diesel exhaust is a major source of ambient particulate matter pollution such as PM_{2.5} in urban environments. Typically, the main source of diesel PM is from combustion of diesel fuel in diesel-powered engines. Such engines are in on-road vehicles such as diesel trucks, off-road construction vehicles, diesel electrical generators, and various pieces of stationary construction equipment” (DEIR, Appendix D, page 52).

“Some short-term (acute) effects of diesel PM exposure include non-cancer effects such as eye, nose, throat, and lung irritation, coughs, headaches, light-headedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Human studies on the carcinogenicity of diesel PM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly and solely attributed to diesel exhaust exposure” (DEIR, Appendix D, page 52).

The following information has been added to the revised analysis to update and expand upon the information in the DEIR:

The principal concern regarding exposures to traditional diesel PM lies in its small size and thus its ability to penetrate deep into lung tissues when inhaled. Diesel exhaust has been found to

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

cause health effects from short-term or acute exposures and from long-term chronic exposures, such as repeated occupational exposures. The type and severity of health effects depends upon several factors including the amount of chemical an individual is exposed to and the length of time of that exposure. Individuals also react differently to different levels of exposure. There is limited information on exposure to just diesel PM but there is enough evidence to indicate that inhalation exposure to diesel exhaust causes acute and chronic health effects.

Long-term (chronic) exposure to diesel exhaust is likely to occur when a person works where diesel is used regularly or experiences repeated exposure to diesel fumes over a long period of time. Human health studies demonstrate a correlation between exposure to traditional diesel exhaust and increased lung cancer rates in occupational settings. Experimental animal inhalation studies of chronic exposure to diesel exhaust have shown that a range of doses causes varying levels of inflammation and cellular changes in the lungs. Human and laboratory studies have also provided considerable evidence that diesel exhaust is a likely carcinogen.

Several studies of occupational and ambient health risks have documented the health effects due to exposure to diesel PM. In its comprehensive assessment of diesel exhaust, the California Office of Environmental Health Hazards Assessment (OEHHA) analyzed more than 30 studies of people who worked around diesel equipment, including truck drivers, 1950's era railroad workers, and equipment operators. The studies showed these workers were more likely to develop lung cancer than workers who were not exposed to diesel emissions. These studies provide strong evidence that long-term occupational exposure to diesel exhaust increases the risk of lung cancer¹³. Based on these studies, CARB identified diesel exhaust a toxic air contaminant in 1998.

Another study, the Children's Health Study performed by the University of Southern California,¹⁴ focused on children's responses to health effects of several air pollutants including oxides of nitrogen, ozone, PM₁₀, vapor phase strong acids, (nitric acid and hydrochloric acid), carbon monoxide, and ultrafine particulates. The Children's Health Study, which began in 1992, is a large, long-term study of the effects of chronic air pollution exposures on the health of children living in Southern California. Children may be more strongly affected by air pollution because their lungs and their bodies are still developing. Children are also exposed to more air pollution than are adults, since they breathe faster and spend more time outdoors in strenuous activities. About 5,500 children in twelve communities were enrolled in the study; two-thirds of whom were enrolled as fourth-graders. Data on the children's health, their exposures to air pollution, and many factors that affected their responses to air pollution were gathered annually until they graduated from high school.

The major conclusions reached in the Children's Health Study were:

- Children exposed to higher levels of particulate matter, nitrogen dioxide, acid vapor, and elemental carbon, had significantly lower lung function at age 18, an age when the lungs are nearly mature and lung function deficits are unlikely to be reversed.
- Children who were exposed to current levels of air pollution had significantly reduced lung growth and development when exposed to higher levels of acid vapor, ozone, nitrogen dioxide, and particulate matter, which are made up of very small particles that can be breathed deeply into the lungs.
- Children living in communities with higher concentrations of nitrogen dioxide, particulate matter, and acid vapor had lungs that both developed and grew more slowly and were less

¹³ California Office of Environmental Health Hazard Assessment. Health Effects of Diesel Exhaust. Website: http://oehha.ca.gov/public_info/facts/pdf/diesel4-02.pdf

¹⁴ "Children's Health Study", USC Environmental Health Services Center, published by the New England Journal of Medicine on March 5, 2015.

able to move air through them. This decreased lung development may have permanent adverse effects in adulthood.

- Children who moved away from study communities had increased lung development if the new communities had lower particulate matter levels, and had decreased lung development if the new communities had higher particulate matter levels.
- Days with higher ozone levels resulted in significantly higher school absences due to respiratory illness. Children with asthma who were exposed to higher concentrations of particulate matter were much more likely to develop bronchitis.

It is important, however, to put into context, the level of pollutants that were measured during the above measurement time periods during the 1990s and early 2000s. As noted in Master Response-1 in Letter C-3, air quality levels have improved by 50 to 60 percent from the early 2000s to today and even more so since the early 1990s. As also shown in Master Response-1 in Letter C-3, emission controls already adopted by the ARB and EPA will continue to see further emission reductions and improved air quality levels into the future. Further, it is important to point out several potential factors that may confound the relationship between diesel PM exposures and health effects. These factors include the effects of co-pollutants, that is, the effects other pollutants such as gaseous pollutants that confound the relationships, differences in biological responses when extrapolating from animals to human exposures, extrapolations of high occupational exposures to lower environmental exposures, lack of knowledge of worker exposure histories, and factors such as smoking and diet.

In the most recent update to the Children's Health Study¹⁵, researchers discovered that improvements in regional air quality contributed to improved children's lung function. Specifically, combined exposure to two harmful pollutants, nitrogen dioxide (NO₂) and fine particulate matter, fell approximately 40 percent for children in the third study group (2007-2011) compared to the first study group (1994-98). The study followed children from Long Beach, Mira Loma, Riverside, San Dimas and Upland.

Children's lungs grew faster as air quality improved. Lung growth from age 11 to 15 was more than 10 percent greater for children breathing the lower levels of NO₂ from 2007 to 2011 compared to those breathing higher levels from 1994 to 1998.

The percentage of children in the study with abnormally low lung function at age 15 dropped from nearly 8 percent for the 1994-98 group, to 6.3 percent in 1997-2001, to just 3.6 percent for children followed between 2007 and 2011.

Additionally, in January 2015, there has been a major new study that evaluates the health impacts of "new technology diesel exhaust" (NTDE). Beginning in 2001, USEPA and CARB begin issuing a series of regulations that require new diesel-powered vehicles and equipment to use the latest emissions control technology. This technology relies on two components. The first is a diesel particulate filter, which is capable of reducing particulate matter emissions by over 90% (required for new engines beginning in 2007). The second technology is selective catalytic reduction, which reduces emissions of nitrogen oxides by over 90% (required for new engines beginning in 2010). Diesel emissions from equipment equipped with this technology is referred to as NTDE. As a result of the advances in emission control technology, USEPA, CARB, and other government and industry stakeholders commissioned a series of studies called the Advanced Collaborative Emissions Study (ACES). ACES has been guided by an ACES Steering Committee consisting of representatives of HEI and CRC, along with the U.S. Department of Energy, U.S. EPA, engine manufacturers, the

¹⁵ "Children's Health Study", USC Environmental Health Services Center, published by the New England Journal of Medicine on March 5, 2015.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

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.

Phase 3 of ACES evaluated whether emissions from new technology diesel engines cause cancer or other health effects. Specifically, it evaluated the health impacts of a 2007-compliant engine equipped with a diesel particulate filter. HEI found that lifetime exposure to new technology diesel exhaust (NTDE) did not cause carcinogenic lung tumors. The study also confirmed that the concentrations of particulate matter and toxic air pollutants emitted from NTDE are more than 90% lower than emissions from traditional older diesel engine.

The HEI study clearly demonstrates that the application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust.

The proposed project has committed to 2010-compliant trucks for operation and Tier 4 equipment for construction, both of which rely on diesel particulate filters similar to those tested in the HEI study. These vehicles reduce emissions by 90% when compared to 2006 vehicles and by 99% when compared to uncontrolled diesel engines. Recent emissions testing by CARB revealed that these diesel engines are cleaner than originally estimated. These findings, which are reflected in the latest CARB emissions factor model EMFAC2014, are 70% cleaner than previously estimated. As a result of the very low emissions from new technology diesel engines and the research conducted by HEI, it is projected that the proposed project would not result in any cancer risk from diesel emissions.

Master Response-3: Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment

Major improvements in diesel engine technology have occurred over the past several years. Exhibit C-3-1 shows changes in the EPA's nitrogen oxides (NOx) and particulates (PM) emissions standards. The heavy-duty operational diesel values are shown in beige, while the off-road equipment Tier 4 emissions standards are shown in blue. Model year 2010 and newer heavy-duty trucks are 96 percent cleaner for NOx and 90 percent cleaner for PM than 1994 model year trucks producing substantial improvements in air quality.

During operation, the WLC project prohibits trucks older than 2010 model year from entry into the facility. The WLC project would only allow entry of diesel trucks which are model year 2010 or newer (Mitigation Measure (MM) 4.3.6.3B), which would reduce air pollutant emissions on and off the project site. Please see the Mitigation Monitoring Reporting Program for a list of the mitigation measures (FEIR Volume 1).

Also during operation, no diesel-powered onsite yard trucks, equipment, and emergency generators will be allowed at the project site (MM 4.3.6.3B and project design feature), which would reduce diesel particulate matter emissions on the project site. The project is also implementing solar photovoltaic (MM 4.16.4.6.1C); therefore, the electricity from this solar could power any onsite electric equipment and yard trucks.

During construction, the WLC project requires Tier 4 off-road equipment, MM 4.3.6.2A also requires that haul trucks used during construction be model year 2007 or newer.

Several commenters suggested zero-emission, near-zero, and/or hybrid electric trucks and equipment as potential mitigation measures. This is not feasible as discussed below.

Zero- and near-zero emission truck technologies include battery-electric trucks, fuel cell trucks, dual-mode (hybrid) electric trucks with all-electric range and, potentially, other technologies. These technologies are still in the testing stages and are not commercially available. There are no

commercially viable zero-emission or hybrid trucks currently available and it is unknown whether any such demonstration project would be successful and lead to commercially viable zero-emission or hybrid trucks in the future. To require a project to use these types of technologies is not feasible because they are not available, it is unknown when or if they will become feasible in the future.

The Port of Los Angeles is testing various types of zero-emission technology solutions for heavy-duty vehicles as part of its Clean Air Action Plan and through its joint Technology Advancement Program with the Port of Long Beach.¹⁶ The SCAQMD provided money to the port through a \$4.1 million dollar grant from the U.S. Department of Energy. This money funded only 13 zero emission trucks: Balgon plug-in, hydrogen Fuel Cell truck, Transpower plug-in, and U.S. Hybrid plug-in. These trucks have a low range of travel between 100 miles and 200 miles per charge.

The Port of Long Beach states that the use of electric and hydrogen fuel cell trucks is currently not feasible:

“The trucks may result in feasible technology to provide zero emissions goods movement between Pier S and near-dock rail yards. Until the trucks have successfully completed their prototype testing and are being produced for the commercial market, they are not yet considered viable zero-technology options. The reliability and durability of heavy-duty electric trucks in a short-haul port-duty cycle have yet to be proven. At this time, no commercial production zero emissions drayage truck is available or expected to be available in the near future. Because the technology is still in the development stage, the Port does not include requirements within the environmental documents for a single terminal, but rather continues to update the CTP [Clean Trucks Program]. In addition, a viable business model for zero emissions technology has not yet been established. Given the initial high cost of equipment and reduced operating characteristics of current prototype zero emissions equipment, additional investigation is necessary to determine the financial viability of this equipment following prototype demonstration and prior to any small-scale deployment.”¹⁷

According to the most recent monthly inventory, there were no electric hybrid trucks in the Port of Los Angeles out of 12,226 trucks.¹⁸

There are problems with some zero emission technologies, such as batteries. While diesel fuel is a dense energy source, yielding sufficient energy per unit weight to haul 50,000-pound loads, batteries do not have sufficient energy density. Rather, the batteries would outweigh payload, sacrificing efficiency and requiring many more trucks to be on the road per unit of goods transported.¹⁹

Master Response-4: 1,000 Foot Buffer.

Several commenters have proposed that the project use a “1,000-foot buffer between the project and sensitive receptors as recommended in the California Air Resources Board’s Land Use Handbook.” However, those recommendations are outdated and not applicable to this specific project. First, the Land Use Handbook states that for distribution centers and warehouses, “ARB recommends a separation of 1,000 feet based on the combination of risk analysis done for TRUs [transportation refrigeration units] and the decrease in exposure predicted with the South Coast AQMD modeling” (page 14). MM 4.3.6.3E has been added, which prohibits refrigeration unless it can be demonstrated

¹⁶ www.portoflosangeles.org/environment/zero.asp.

¹⁷ Port of Long Beach. Pier S Marine Terminal & Back Channel Improvements. Final EIS/FEIR, November 2012.

¹⁸ Port of Los Angeles – Clean Truck Program – Gate Move Data Analysis, July 1, 2013-July 31, 2013. http://www.portoflosangeles.org/ctp/ctp_Cargo_Move_Analysis.pdf. Accessed November 22, 2013.

¹⁹ Statement of Daimler Trucks North America regarding California Air Resources Board, Workshop to Consider Vision for Clean Air: A Framework for Air Quality and Climate Planning. September 20, 2012. www.arb.ca.gov/lists/visionforcleanair-ws/5-dtna_comments_to_carb_re_vision_paper_-_20sep12.pdf

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

that the environmental impacts resulting from the inclusion of the 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. The Land Use Handbook was published in 2005 before ARB promulgated its On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation significantly reducing diesel emissions from sources like warehouses (the ARB analysis was “assuming a current fleet diesel PM emission rate”). In addition, the project’s commitment to allow only trucks that are compliant with United States Environmental Protection Agency’s (USEPA) 2010 emissions standards, which are over 90% cleaner than the prior generation of trucks, means that the assumptions that were modeled and considered during the preparation of the Land Use Handbook are not valid for this project. Additionally, based on improved mitigation, such as the requirement to use Tier 4 construction equipment, there is no significant health impact outside the project boundaries based on the current OEHHA methodology. More importantly, the recommendation was made prior to the release of the Health Effects Institute study (discussed in Master Response-2), which found no evidence that new technology diesel exhaust causes cancer. This means that current OEHHA methodology for calculating cancer risk is not applicable and that there is no cancer risk attributable to project-related diesel emissions.

Nonetheless, an analysis of a 1,000-foot buffer between the project’s operational emissions and the centerlines of Redlands Boulevard, Gilman Springs Road, Bay Avenue, and Merwin Street was included in the revised Air Quality, Greenhouse Gas, and Health Risk Assessment prepared for the project. The results show that there is no substantial difference in the cancer risk estimates with the use of a 1,000-foot buffer. Any difference is well within the mathematical and physical limitations and uncertainties of the various methodologies used to estimate cancer risk. These limitations and uncertainties deal with the approximate mathematical formulations used to describe and simulate of the complex atmospheric processes that disperse air pollutants, experimental limitations in the accuracy for estimating emissions from sources, and the limitations in quantifying the physical relationships between a specific level of air pollution and a direct health effect.

In addition, pursuant to the WLCSP (Section 2.5) and MM 4.1.6.1A, the WLC will have a minimum 250-foot buffer between the project and residentially zoned properties along Redlands Boulevard, Merwin Street, and Bay Avenue. A berm along Redlands Boulevard and landscaping will also create a visual screen between the WLC and adjacent communities to reduce the visibility of the proposed warehouse structures and improving aesthetics and reducing impacts on the neighboring community. The effectiveness of vegetative barriers on air quality is highly complex and depends on a number of factors including particle size, wind speed, leaf area density, and gaps in the vegetation, tree species, and season. The project proposed to plant a wide variety of vegetative species, as shown in the WLCSP, Section 5.4, and Onsite Landscaping that could act as a vegetative barrier. At this time, it is not possible to gauge the effectiveness of the vegetative barriers in absorbing air pollutants. However, a SCAQMD forum, Near-Road Mitigation Measures and Technologies, given November 21, 2013, featured several presentations that showed that vegetative barriers had measurable benefits in reducing pollution.

The Gilman Springs Road edge in the eastern portion of the project is adjacent to existing and future suburban residential (zoned) uses. This edge will feature a restricted use area of 250 feet from these residentially zoned properties. No buildings, truck courts, loading areas, truck circulation areas, or truck or trailer storage uses are permitted within this area. Employee/visitor parking, emergency access, landscaping, drainage facilities, and property maintenance access are permitted. This restricted use area may be reduced subject to the review of project specific air quality and noise analyses.

In summary, a 1,000-foot barrier will not reduce air quality impacts for the WLC project.

For additional information about the project design features and mitigation measures that have been incorporated into the project, see Section 4.1 of the FEIR and Figures 4.1.4 through 4.1.4J and Figures 4.1.5 through 4.1.5J.

Master Response-5: Air Filtration Systems for Residences.

At the time the DEIR was circulated, the proposed project was identified to have a significant increase in cancer risk associated with diesel emissions from project construction and operation. Several commenters have proposed air filtration systems to reduce these impacts from the proposed project.

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).²⁰ 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. However, the latest research (discussed in Section 4.3 of the EIR and Master Response-2), demonstrates that new technology diesel exhaust does not contribute to cancer. As a result of this new research there is no need to provide filters to reduce the health risk impact from the proposed project.

Commenters have also recommended the establishment of various types of mitigation fund to provide off-site improvements related to air quality, such as air filters or landscaping. However, such mitigation does not mitigate specific, project-related impacts. While the concepts proposed for funding are recognized to provide benefits such as improving indoor air quality, the benefits are not tied to reducing impacts from the proposed project. There is no nexus between the generalized benefits of a proposed community benefits fund and specific project impacts. As a result, such a fund cannot be reasonably expected to avoid or minimize air quality impacts of the project as is required for mitigation.

Response to Comment C-3-1. The City is happy to accept comments from the SCAQMD regarding air quality impacts of the WLC project, and has addressed the SCAQMD's comments in the following paragraphs.

Response to Comment C-3-2. The City acknowledges that the SCAQMD's primary concern is air quality, including criteria air pollutants such as particulates and ozone. The District has correctly summarized the results of the EIR regarding air pollutants that would exceed the SCAQMD's significance criteria. The EIR outlines a number of measures that could help reduce or mitigate project emissions (MMs 4.3.6.1A(a) through 4.3.6.1A(n)), as discussed in Section 4.3 of the FEIR which is Volume 2. Due to the size and type of project proposed, it is not possible to reduce project emissions to less than significant levels.

Response to Comment C-3-3. The commenter demands additional mitigation measures due to the existing air quality issues in the project area. The DEIR does conclude there will be significant air pollutant impacts from development of the WLC project, mainly due to its size and type of uses

²⁰ "Advanced Collaborative Emissions Study" published by the Health Effects Institute (HEI) in 2015 (Research Report 184 final). The HEI consists of governmental and private industry representatives including 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.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

proposed. Section 4.3, *Air Quality*, of the DEIR, does propose a number of mitigation measures that will help reduce emissions from both construction and project occupancy. Due to the size of the project, and its related exceedances of SCAQMD standards, there are no mitigation measures available that will reduce regional air pollutant impacts to less than significant levels.

Response to Comment C-3-4. The commenter indicates that the Lead Agency should specify how these mitigation measures and project design features will be made enforceable to ensure that the project's regional air quality and health risk impacts are minimized. The mitigation measures will be enforced through the Mitigation Monitoring Reporting Program (refer to FEIR Volume 1). The project design feature that requires that diesel trucks meet a certain emission standard is now a mitigation measure instead of a project design feature, to make it more enforceable. Trucks that do not meet the 2010 emissions standards will be prohibited entry at the facility gate by the tenant. This requirement will also be enforced through the WLCSP and the lease. Please see the Mitigation Monitoring Reporting Program (FEIR Volume 1) for a list of the project's revised mitigation measures.

Response to Comment C-3-5. The SCAQMD provides an introduction to some of the mitigation measures that are referenced later in its letter. Responses to these suggested mitigation measures are contained in the responses which follow.

Response to Comment C-3-6. This response fulfills the CEQA requirements to provide a written response at least ten days prior to the adoption of the FEIR.

Response to Comment C-3-7. The commenter requests the project implement additional mitigation for air impacts and alternative fuel vehicles. The WLCSP proposes an alternative fueling station that will open during the first phase of development to serve trucks that use liquefied or compressed natural gas as vehicle fuel. In addition, future development under the WLCSP will comply with vehicle fleet fuel requirements at the time of development approval. The DEIR Section 4.3 did provide mitigation for alternative fuel vehicles. MM 4.3.6.3C requires the WLC project to provide the establishment of onsite alternative fueling infrastructure (electric charging stations and/or natural gas fueling), which will help facilitate the use of these low-emitting trucks. MM 4.3.6.4A(g) requires a minimum of two electric vehicle-charging stations for automobiles or light-duty trucks to be provided at each building, and facilities with 100 parking spaces or more shall have three percent of the total parking spaces capable of supporting electric vehicle supply equipment charging locations. MM 4.3.6.4A(j) provides an incentive for people to drive low fuel vehicles by requiring preferred parking for low-emitting and fuel-efficient vehicles equivalent to at least eight percent of the required number of parking spaces at each warehouse. MM 4.3.6.2A includes a requirement to provide electrical hook ups to the power grid for construction equipment. However, to require biodiesel or natural gas for construction is not feasible because of the availability and sourcing of those types of equipment. MM 4.3.6.3B requires alternative fueled yard trucks and emergency generators. WLCSP Section 12.3 requires pallet jacks, forklifts and other onsite equipment be powered by non-diesel fuel.

However, 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. Also refer to Responses to Comments B-5-7, B-5-8, B-5-14, C-3-9, C-3-19, C-3-23, D-2-3, E-2A-17, F-1-66, or more discussion of zero emission vehicles, see Master Response-3 in Letter C-3.

Response to Comment C-3-8. The commenter suggests that electric vehicle charging stations be included on the project site. MM 4.3.6.4A has been revised to state:

4.3.6.4A ~~g) A minimum of two electric vehicle charging stations for automobiles or light-duty trucks shall be provided at each building.~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

g) A minimum of two electric vehicle-charging stations for automobiles or light-duty trucks shall be provided at each building. In addition, parking facilities with 100 parking spaces or more shall be designed and constructed so that at least three percent of the total parking spaces are capable of supporting future electric vehicle supply equipment (EVSE) charging locations. Only sufficient sizing of conduit and service capacity to install Level 2 Electric Vehicle Supply Equipment (EVSE) or greater are required to be installed at the time of construction.

Mitigation Measure 4.3.6.3E prohibits refrigeration unless it can be demonstrated that the environmental impacts resulting from the inclusion of the 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. Therefore, in the unlikely event that trucks servicing the WLC facility require Transportation Refrigeration Units they will not have an impact greater than currently identified in the Environmental Impact Report.

According to the TIA, 93 percent of all heavy trucks trip are internal to the region and ports, so Auxiliary Power Units (APU) are unlikely to be found on trucks servicing the WLC. Therefore, providing electrical hookups for APUs is not necessary.

The commenter suggested mitigation measures, as discussed below:

Suggested Mitigation Measure	Response
The lead agency should require each warehouse and other plan areas that allow truck parking to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in.	Not Included. There are no commercially available electric heavy-duty trucks. Additionally, there are no design standards for charging of zero-emission heavy-duty trucks. All known technology demonstrations that are being conducted involve third-party vendors, with no truck OEMs yet designing or manufacturing zero-emission trucks. As a result, it is not feasible to provide infrastructure for technology standards that do not yet exist. See also Master Response: Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment in Response to Comment Letter C-3.
The SCAQMD staff recommends that the lead agency require at least 5 percent of all vehicle parking spaces (including for trucks) include EV charging stations.	Partially Included. MM 4.3.6.4A requires a minimum 2 EV charging stations per building and three percent of parking spaces capable of supporting electric vehicle supply equipment charging stations. This is consistent with the building standard proposed by the California Buildings Standards Commission at Section 5.106. It is not possible to project accurately what the electric vehicle demand will be upon project completion. The Skechers building provided two stations and there is small to little use. Providing 3 percent of parking spaces with charging stations is conservative as it could provide the potential for over 20 stations on a building the equivalent size of Skechers (1.8 million square feet and 750 parking spaces). Future demand is speculative. The ARB has had a zero emission regulation for over 20 years and has failed to provide electric vehicles.
Electrical hookups should be provided at the onsite truck stop for truckers to plug in Transportation Refrigeration Units and any other onboard auxiliary equipment.	Included. The MM 4.3.6.3E states: “ <u>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,</u>

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
	<u>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 application proposing refrigerated space. Any such proposal shall include electrical hookups at dock doors to provide power for vehicles equipped with Transportation Refrigeration Units (TRUs).</u> ” Therefore, TRUs are dealt with through MM 4.3.6.3E. .

Response to Comment C-3-9. The commenter suggested a mitigation measure, as discussed below.

Suggested Mitigation Measure	Response
The lead agency should revise mitigation measure 4.3.6.3C to require the installation of an alternative fueling facility (e.g., natural gas) to serve the project site <u>prior to operation</u> of any logistics warehousing within the plan area.	Partially Included. The alternative fueling station has been moved to Phase 1 of development; however, there would not be enough activity or demand for the station to be a viable business with only a couple of buildings operational. The developer will work with an alternative fuel provider and will install the station in as soon as they determine it is feasible, but no later than end of Phase 1.

Response to Comment C-3-10. The commenter notes the credibility of the emission scenarios used on the assessment of the project’s operational emissions.

We agree that Scenario 1, Existing (2012) Plus Project Build out, which assumes the project is completely built out in 2012, does not represent a rational point of discussion principally because of the improbability of such a scenario. Nonetheless, this scenario was included to provide consistency with the Traffic Impact Analysis (TIA) and to provide a worst case air quality assessment. We agree that Scenario 2, which analyzes the project’s intended development schedule, represents a much more practical analysis basis.

The project’s regional operational emissions in the DEIR were based on emission estimates from an older version of the CalEEMod Model (version 2011) available at the time of the preparation of the DEIR. In the DEIR, the emission rates for the heavy-heavy-duty truck vehicle class were modified, however, to reflect default rates contained in the California Air Resources Board (ARB) Emissions Factor model 2011 (EMFAC2011) mobile source emission model. Emission rates for all other vehicle classes were derived from the older ARB EMFAC2007 emission model as embedded as part of the older 2011 version of CalEEMod. In the revised air quality analysis, consistent with MM 4.3.6.3B, model year 2010 diesel truck emission rates were included as part of the analysis of project impacts after mitigation and emissions were estimated by applying the most current version of the EMFAC model, EMFAC2014.

In addition, the methodology and estimates of the project’s regional operational mobile source emissions have been revised in the revised air quality analysis and are now based on the project’s traffic volumes by vehicle class on nearly 500 individual roadway segments as derived from the traffic impact model used to assess potential project traffic impacts. The most current emission rates from the EMFAC2014 mobile source emission model were used in the revised analysis.

Response to Comment C-3-11. The commenter suggested a mitigation measure, as discussed below.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
The project should require the 1,000-foot buffer as recommended in the state Air Resources Board's Land Use Handbook. This buffer should also apply to any undeveloped sensitive receptors that may be sited in the future next to the WLCSP area.	Not Included. Please refer to Master Response-4, 1,000 foot buffer in Response to Comment Letter C-3.

Response to Comment C-3-12. The commenter recommends that the lead agency include a description in the FEIR that specifies how the 2010 engine emissions standards and onsite equipment specifications will be enforced. The requirement to use 2010 emissions standards for diesel trucks is now included in MM 4.3.6.3B and in the WLCSP instead of a project design feature and therefore would be enforced as specified in the Mitigation Monitoring and Reporting Plan and tenant leases (FEIR Volume 2, Section 4.3 Air Quality).

Regarding the service yard trucks and other operational onsite equipment, the following project design feature on page 3-33 in the DEIR makes the following commitment regarding the project: "All service yard trucks (hostlers, yard goats, etc.), pallet jacks, forklifts, and other onsite equipment used during operation shall be powered by electricity, natural gas, and/or propane. Electrical power sources shall be provided for service equipment." In the FEIR, biodiesel was removed from the WLCSP pursuant to comments received by the SCAQMD.

These requirements would be enforced through the Mitigation Monitoring and Reporting Plan (FEIR Volume 1) and the lease.

Response to Comment C-3-13. The SCAQMD suggested a mitigation measure, as discussed below.

Suggested Mitigation Measure	Response
Given the availability of roof space associated with this project the lead agency should maximize the opportunity to produce solar energy by including mitigation beyond MM 4.16.4.6.1A. Specifically, the lead agency should require that buildings maximize the possible number of solar energy arrays.	Partially Incorporated. MM 4.16.4.6.1C requires solar for the ancillary office portion of the project buildings.

Response to Comment C-3-14. The commenter requested a discussion regarding the proximity of onsite residents to warehouse operations and any mitigation measures that will minimize the significant impacts to these residents.

A total of seven existing residences are situated within the project boundaries. These existing residences are located near the intersection of Theodore Street and the proposed Street E and Street F as well as near the intersection of Redlands Boulevard and Dracaea Avenue. Based on the health risk assessment contained in the revised analysis, there would be no increase in cancer risk based on the latest research that demonstrates that new technology diesel exhaust does not cause cancer. Nonetheless, the FEIR contains a revised health risk analysis using both the current SCAQMD methodology and the recently adopted OEHA methodology. Under the SCAQMD methodology, there would be no significant health risk impact. This is due primarily to revised mitigation, including the requirement to use Tier 4 construction equipment, and recently revised emissions factors for heavy-duty trucks published by CARB. Under the OEHA methodology, the construction and operation of the project would result in cancer risk levels that would exceed the SCAQMD's cancer risk significance threshold of 10 in a million at five residences located along Theodore Street and proposed Streets E and F. However, these analyses assume the use of traditional diesel engines, which are prohibited from the project. See Master Response-2 for more information.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

As discussed in Master Response-4, a 1,000 foot buffer was explored as a possible mitigation measure; however, the buffer would only marginally reduce the impacts at the onsite residences with no improvements at receptors located outside of the project. In addition, as discussed in Master Response-5, the latest research (discussed in Section 4.3 of the EIR and Master Response-2), demonstrates that new technology diesel exhaust does not contribute to cancer. As a result of this new research there is no need to provide filters to reduce the health risk impact from the proposed project.

Response to Comment C-3-15. The commenter states by Year 2022 more than 1,500 light-heavy and medium-heavy duty diesel trucks per day are expected to access the site via Cactus Avenue. The commenter states it is not clear what destination these trucks would serve as there do not appear to be any non-residential or school land uses within 5 miles of this access point. The commenter asks the lead agency to clarify if this path is meant to be a truck route linking the warehouses on the west side of the city with those in the proposed project. The commenter recommends if alternate routes are available they would not impact as many sensitive receptors and these routes should be made a requirement of the project.

The Cactus Avenue access point is intended as a replacement route for vehicles currently using Alessandro Blvd to traverse the site. Alessandro Blvd is currently the only designated truck route running east-west through Moreno Valley (see truck route map below); however, as part of the proposed project the Alessandro Blvd connection will be permanently severed. Traffic counts show light and medium trucks currently comprise 3% of the traffic on this portion of Alessandro Blvd. This traffic serves, among other things, commercial traffic to the businesses along Alessandro Blvd and Cactus Avenue, and commercial traffic to and from the neighboring cities southeast of Moreno Valley. This traffic is expected to grow in the future as the General Plan calls for more commercial development both east and west of the WLC site (refer to the General Plan land use map below).

There would be no practical way to distinguish through traffic from WLC traffic, so the restriction would have to apply to neither or both. If both, this could hamper both existing and future non-WLC commercial traffic in Moreno Valley. The City proposes that this access point be closed to heavy trucks but continue to allow for light and medium trucks as a reasonable compromise between the needs of the business community and the concerns of local residents.

Response to Comment C-3-16. The SCAQMD recommends that the lead agency either revise the air quality analysis to account for emissions from refrigerated warehouse uses or include a mitigation measure that precludes the use of refrigerated warehousing at the project site. MM 4.3.6.3E states:

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 application proposing refrigerated space. Any such proposal shall include electrical hookups at dock doors to provide power for vehicles equipped with Transportation Refrigeration Units (TRUs).

Therefore, the proposed mitigation measure is not necessary because refrigerated warehouse uses are dealt with through implementation of MM 4.3.6.3E.

Response to Comment C-3-17. The commenter states the EIR assumes only 12.5% of the project's total trips are generated by heavy trucks, while CalEEMod and the National Association of Industrial and Office Properties (NAIOP) Study indicate a higher percentage may be more appropriate. Also,

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

the commenter states goods movement activity fluctuates based on seasonality. The commenter states the FEIR should include a discussion about whether the trips rates are annual averages or peak daily rates that include adjustments for seasonality.

Per the City of Moreno Valley *Traffic Analysis Guidelines* the vehicle percentages from the Fontana *Truck Trip Generation Study* were used. That survey found that 12.3% of trips entering or leaving high-cube warehouses were heavy trucks, while some other sources have a higher percentage of heavy trucks (the NAIOP study, for example, had 20.8% heavy trucks; City of Moreno Valley 2013 survey data²¹ yields 13.4% trucks calculated on a weighted average). The commenter incorrectly concluded that this meant that the WLC analysis forecasted too few trucks. In fact, because the WLC analysis utilizes a very high overall trip generation rate, the resulting number of truck trips estimated for the project is actually slightly higher than in the NAIOP and City 2013 surveys, and much higher than the Skechers data indicates would be appropriate (see figures below from the TIA). The figures used in this analysis can therefore be considered a high estimate of truck traffic and a very high estimate of car traffic compared to conditions actually found at the most comparable sites.

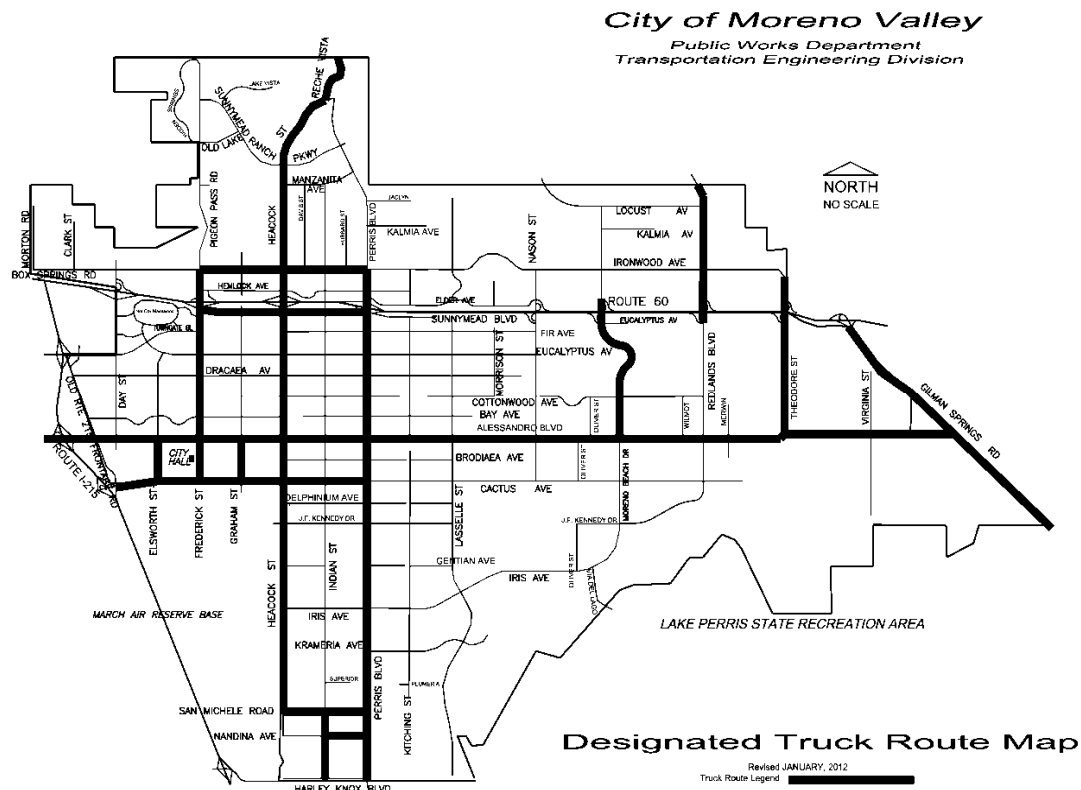


Exhibit C-3-4: Moreno Valley Designated Routes

²¹ Vehicle Mix Assumption for High-Cube Warehouse, Memo from Michael Lloyd to Eric Lewis, September 27, 2013.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

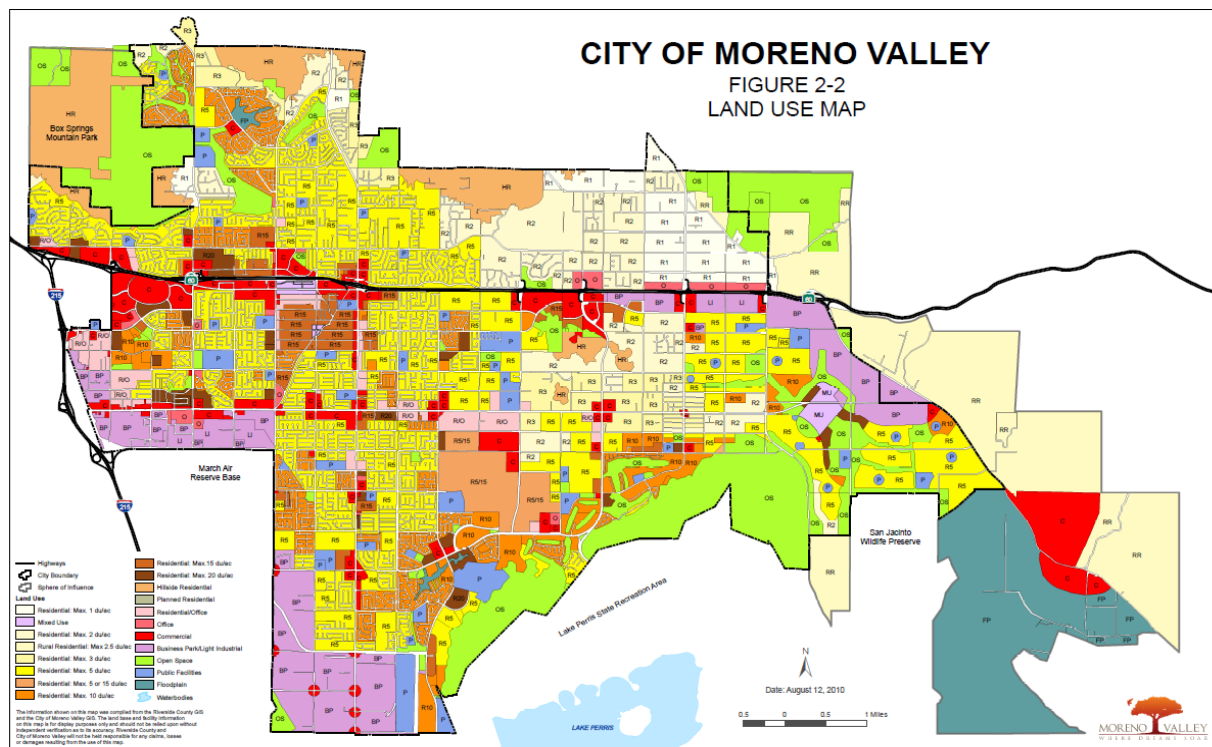


Exhibit C-3-5: Moreno Valley General Plan Adopted Land Use Map

Table C-3.C: Comparison of Truck Trip Generation from Southern California Sources

Source	Total Vehicle Trips/Day/KSF	% Trucks	Heavy Duty Truck Trips/Day/KSF	Other Vehicle Trips/Day/KSF
WLC	1.68	12.3	0.207	1.473
NAIOP	0.99	20.8	0.206	0.784
Skechers	0.57	15.2	0.086	0.481
Moreno Valley 2013 ¹	1.624	13.4 ²	0.218	1.406

¹ Vehicle Mix Assumption for High-Cube Warehouse, Memo from Michael Lloyd to Eric Lewis, September 27, 2013.

² Although the un-weighted average reported in the Memo is 17.6%, when calculated based on a weighted average, the rate drops to 13.4%.

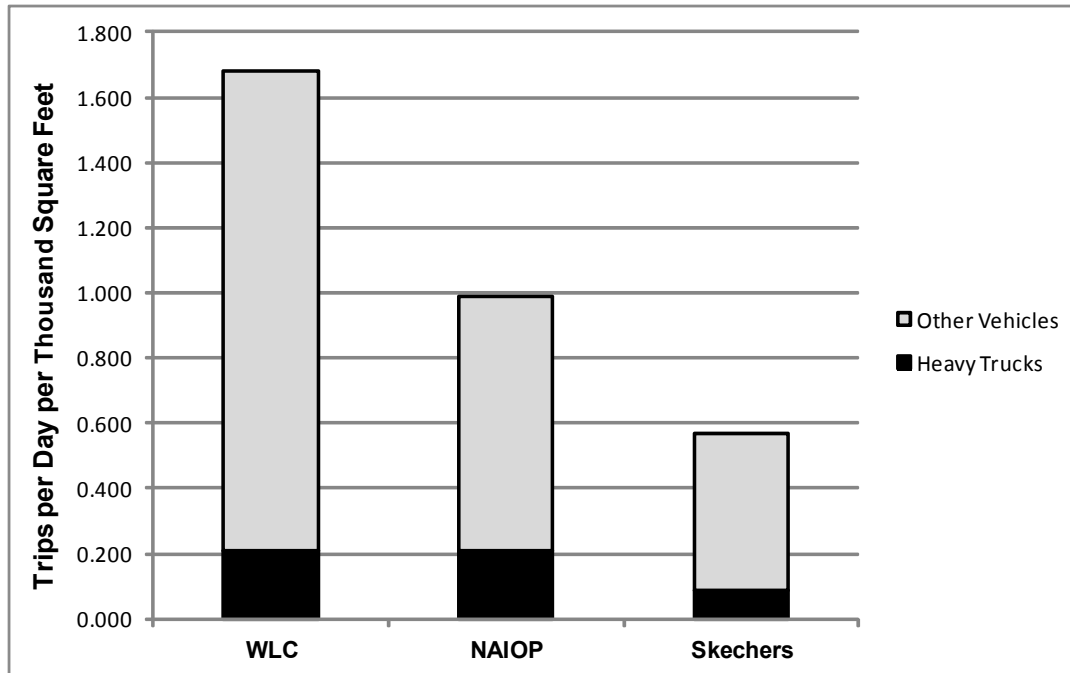


Exhibit C-3-6: Comparison of Trip Generation from Southern California Sources

An analysis was performed to determine if seasonality of traffic flows may be a significant factor that needs to be accounted for in the analysis. The monthly fluctuations in traffic flow on SR-60 in Moreno Valley were reviewed to determine if this was the case. The average daily traffic on SR-60 from 2011 was collected by Caltrans at the SR-60 and the Perris, Heacock, and Day interchanges and summarized by month. The average daily traffic for each individual month was calculated and compared to the annual average. The data showed the monthly fluctuations in traffic were not consistent between interchanges; in months where the traffic volumes at one interchange were above the annual average while the adjacent interchange count location was below the annual average. For example, the lowest month of the year for the SR-60/Perris interchange, January, was the highest month for the two nearby interchanges. In 10 out of 12 months the two count interchanges closest to the project (Perris Blvd. and Heacock Ave.) deviated in opposite directions from the annual average.

If this area were subject to seasonal peaking then the three interchange count locations would show similar peaking characteristics during any given month. The count data showed no such consistency; therefore, seasonal peaking of ambient traffic is not considered a significant factor for traffic analysis for the WLC (as illustrated in the Exhibit C-3-7 below).

A further analysis was performed to determine whether there may be significant seasonal peaking of truck traffic from the WLC that needs to be factored into the analysis. There are several reasons to believe this will not occur:

- When it is fully operational the WLC is expected to have 15-to-25 different tenants from a variety of economic sectors; for example the NAIOP survey found tenants in the consumer goods, pharmaceuticals, automotive products, tools, office supply, home furnishings, and building materials sectors. To the extent that these sectors have season peaks they occur at different times of the year and would tend to offset each other (i.e. a high period for one

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

tenant may be a low period for the tenant next door). This is one reason why traffic on SR-60 itself does not display seasonal peaking.

- Furthermore, the commenter's opinion that seasonal variation in truck traffic may pose significant impacts was premised on the commenter's erroneous over-estimate of the amount of truck traffic that will be generated by the WLC. To the extent that truck volumes will be smaller, the impact of any variations in truck traffic will also be smaller.

For these reasons, there is no basis for a presumption that seasonal peaking of truck traffic will create any significant impacts that have not already been identified using the trip generation rates from the ITE *Trip Generation Manual*.

PeMS Detector	Location	Jan	Feb	Mar	Apr	May	Month							Annual Average	
		Jun	Jul	Aug	Sep	Oct	Nov	Dec							
Eastbound															
810316	Perris Interchange	24,384	25,778	26,924	27,960	29,080	29,893	30,759	31,544	31,587	31,522	31,468	31,477		
801407	Heacock Interchange	41,458	41,506	41,499	41,470	41,378	41,396	41,483	41,465	41,459	41,377	41,314	41,265		
801394	Day Interchange	57309	57222	57222	57180	57061	57628	58590	59254	59736	59130	58898	58894		
Westbound															
801410	Perris Interchange	28,055	28,451	28,937	29,432	30,019	30,612	31,059	31,647	31,631	31,548	31,487	31,432		
801404	Heacock Interchange	39,994	39,791	39,653	39,532	39,301	39,216	39,207	39,138	39,038	38,914	38,800	38,590		
808945	Day Interchange	46370	45897	45400	44938	44296	43814	43524	43359	43236	43284	43141	43073		
Both Directions															
801410	Perris Interchange	52,439	54,229	55,861	57,392	59,099	60,505	61,818	63,191	63,218	63,070	62,955	62,909	59,724	
	Diff from Ave	-7,285	-5,495	-3,863	-2,332	-625	781	2,094	3,467	3,494	3,346	3,231	3,185		
	% Diff from Ave	-12%	-9%	-6%	-4%	-1%	1%	4%	6%	6%	6%	5%	5%		
801404	Heacock Interchange	81,452	81,297	81,152	81,002	80,679	80,612	80,690	80,603	80,497	80,291	80,114	79,855	80,687	
	Diff from Ave	765	610	465	315	-8	-75	3	-84	-190	-396	-573	-832		
	% Diff from Ave	0.9%	0.8%	0.6%	0.4%	0.0%	-0.1%	0.0%	-0.1%	-0.2%	-0.5%	-0.7%	-1.0%		
801394	Day Interchange	103,679	103,119	102,622	102,118	101,357	101,442	102,114	102,618	102,972	102,414	102,039	101,967	102,371	
	Diff from Ave	1,308	748	251	-253	-1,014	-929	-257	242	601	43	-332	-404		
	% Diff from Ave	1.3%	0.7%	0.2%	-0.2%	-1.0%	-0.9%	-0.3%	0.2%	0.6%	0.0%	-0.3%	-0.4%		
The lowest month of the year for the Perris IC was the highest month for the two nearest interchanges.		In 10 out of 12 months the two count sites deviated in opposite directions from the annual average; i.e. one was higher than the annual average and the other lower.													

Exhibit C-3-7: Average Day Traffic at Three Interchanges near the WLC

Response to Comment C-3-18. The commenter asked to include a cancer burden assessment of the project's cancer risks as well as include a cancer risk map that shows the one-in-one-million cancer risk contour.

The health risk assessment contained in the DEIR was expanded in the revised analysis to include the computation of cancer population burden attributed to the project's diesel PM emissions. In this expanded assessment, the cancer burden calculation estimated cancer risks in over 2,300 individual census tracts spanning the region from Palm Springs to Los Angeles. In accordance with the OEHHHA's methodology, the cancer burden was calculated by multiplying the estimated cancer risk at each census tract centroid by the census tract populations in those census tracts where the estimated cancer risk exceeded 1 in a million. The burden estimation methodology is provided in Section 4.3.3 - Risk Assessment Methodology of the revised analysis. The results of the cancer burden estimation are shown in the discussion of FEIR Volume 2 Appendix D Section 5.2. Based on the cancer risks estimated for the 70-year exposure duration as per the Current OEHHHA Guidance, the project's toxic air contaminant emissions would result in an increased cancer burden of 0.1 individuals out of the population of 633. The SCAQMD has established a threshold for cancer burden of 0.5. The project's estimated cancer burden values do not exceed this threshold. The cancer burden impacts are not significant impacts. This analysis assumes that the use of new technology diesel engines contributes

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

to an increase in cancer risk. However, the latest research, as described in Master Response-2, demonstrates that new technology diesel exhaust does not cause cancer.

Response to Comment C-3-19. The SCAQMD staff recommends that the lead agency revise the air quality analysis and health risk assessment to include all onsite emissions sources and ensure that they are accounted for in the FEIR.

The air quality analysis, localized analysis, and health risk assessment have been revised to include these emissions sources (refer to FEIR Volume 2 Section 4.3 Air Quality).

The SCAQMD staff recommends that the lead agency prohibit the use of onsite diesel powered equipment including bio-diesel to minimize the project's operational emissions and require the use of electric equipment. As part of the FEIR, biodiesel has been excluded from the list of potential alternative fuels as a response to this comment (refer to FEIR Volume 2 Section 4.3 Air Quality).

The SCAQMD also recommends that if diesel fueled emergency generators are required for the proposed project they should be equipped with diesel particulate filters. Included as a MM 4.3.6.3B is the use of non-diesel emergency generators, which would eliminate diesel emissions from this source.

Response to Comment C-3-20. The SCAQMD requests that emissions from onsite mobile equipment be included in the regional and localized analysis. The revised air quality, health risk assessment, and greenhouse gas analysis include these emissions sources and discuss the emissions estimation assumptions (refer to FEIR Volume 2 Section 4.3 Air Quality).

Response to Comment C-3-21. The commenter asked to include consideration of the federal NO₂ 1-hour ambient air quality standard for the combined construction and operation of the project.

The federal NO₂ ambient air quality standard is addressed in the revised analysis, FEIR Volume 2 Appendix D Section 5.2, even though the federal 1-hour NO₂ standard is not currently listed in the most current version of the SCAQMD's Localized Significance Thresholds (website: <http://aqmd.gov/ceqa/handbook/signthres.pdf>). Because of the format of this standard (which is a probability-based standard over 3 years), the comparison of the project's impacts with this standard is provided for the project's operational impacts. Compliance with the standard was not provided for construction impacts because of the highly transient nature of construction, which varies substantially from day to day and place to place. Compliance determination with this standard is most appropriate for assessment of operational impacts, which are reasonably stable from one day to the next.

The commenter also questions if the annual average emission rate was used for the 1-hour analysis. Annual emission rates were not used to estimate 1-hour emissions. For construction, the estimation of the 1-hour emission rate was determined by dividing the total daily emissions by the length of the construction day, typically 10 hours. For operational mobile emission sources, the maximum one-hour emission rate was determined from the estimated afternoon peak-hour traffic vehicle trips and volumes as provided by the in the traffic impact analysis. The maximum 1-hour emission rates were used to estimate pollutant impacts for those air pollutants with averaging times of 8 hours or less. The annual average emission rates were used to estimate daily and annual air quality impacts.

Response to Comment C-3-22. The SCAQMD suggested the following construction mitigation measures, as discussed below.

Suggested Mitigation Measure	Response
Require the use of electricity from power poles rather than temporary diesel or gasoline power generators.	Partially Incorporated. MM 4.3.6.2A has been edited to include this suggestion unless physical or jurisdictional limits make use of temporary overhead power infeasible. Infeasible is where

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
	physical constraints such as spanning a major roadway, freeway or flood channel would prohibit temporary overhead power, or long runs of electrical lines results in excessive voltage drops and unable to meet the power requirements, or the available power source is from SCE lines, who are not allowed by tariffs to provide power in this area of Moreno Valley, and Moreno Valley Utilities source is too far away due to voltage drops in long runs of lines.
Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer; if diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx and PM emissions requirements.	Partially Incorporated. MM 4.3.6.2A has been revised to require 2007 construction haul trucks or newer.
For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html	Already Included. The first set of off-road engine mitigation measures as recommended by the SCAQMD (Table I) suggest repowered engines with Tier 2 or Tier 3 engines. Table II discusses the percent reductions for each Tier. Table III discusses the percent reductions for retrofits from diesel particulate filters and diesel oxidation catalysts. MM 4.3.6.2A already includes a requirement of Tier 4 engines, which provides substantial reductions in pollutants. The additional retrofits as identified in Table III are generally for older pieces of equipment. Since the project will be using Tier 4 construction equipment, these equipment are newer and the retrofits would not be required.
Also, the SCAQMD staff recommends that the lead agency replace mitigation measures 4.3.6.2C (a) as follows: a) Non-VOC containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the Project to reduce VOC emissions to the maximum extent practicable.	Incorporated. This text has been added to the measure; however, the requirement to use 100 grams per Liter or less paint is retained because the wording suggested by the SCAQMD indicates “to the maximum extent practicable.” Where non-VOC paints are not available, there would need to be a restriction of the VOC content in paints that are less than the current regulations.

SCAQMD staff recommends that the lead agency replace MM 4.3.6.2A (a) and (b) with the following:

Suggested Mitigation Measure	Response
Project Start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.	Partially Included. MM 4.3.6.2A has been refined and requires that off-road diesel powered construction equipment greater than 50 horsepower meet Tier 4 standards.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.	
A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.	Partially Incorporated. A requirement that the unit's tier specification be provided is incorporated into MM 4.3.6.2A
Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate cleanup of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website: www.aqmd.gov/tao/Implementation/SOONProgram.htm	Incorporated. This measure is incorporated into MM 4.3.6.2A.

Response to Comment C-3-23. The commenter suggests the following mitigation measures.

Suggested Mitigation Measure	Response
The project should require that all tenants provide information and promote incentive programs and available alternative fueling truck technologies. This information should be updated as needed to ensure that the most recent information is available.	Incorporated. This measure is incorporated into MM 4.3.6.3B.
The lead agency should require that all future tenants apply for incentive funding (such as VIP, Carl Moyer, etc.) to upgrade their fleet. If they are awarded funding, they must also be required to use it within a reasonable period of time.	Incorporated. This measure is incorporated into MM 4.3.6.3B.

Letter C-4: Sempra Energy (April 29, 2013)



Thomas G. Acuna
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C: 619-884-0566
Tgacuna@semprautilities.com

April 29, 2013

John Terell
City of Moreno Valley
P.O. box 88005
Moreno Valley, CA 92552
Attn: John C. Terell, Planning Official

Re: Draft Environmental Impact Report / World Logistics Center Project

Dear Mr. Terell:

San Diego Gas and Electric (SDG&E) and the Southern California Gas Company (SCGC) have reviewed the Draft Environmental Impact Report for the World Logistics Center (WLC) Project and would like to submit the following comments. SDG&E and SCGC own a total of 194 acres of land immediately south of the Specific Plan site. SDG&E operates a natural gas compressor plant, known as the Moreno Compressor Station, on 19 acres in the south-central portion of the site. The SCGC operates a metering and valve station on two separate parcels (totalling 1.5 acres) in the south-central portion of the site south of Alessandro Boulevard along existing Virginia Street. The World Logistics site contains a variety of overhead and underground utility lines associated with oil, natural gas, and electrical service.

1

SPECIFIC COMMENTS

1. The DEIR concludes that noise impacts from pipeline blow-down events on planned land uses within WLC site would need to be mitigated through a combination of setbacks and sound attenuation devices installed at SCGC's facility. SDG&E and SCGC request that language be added to the EIR stating that the developer shall be responsible for mitigating any impacts associated with locating development within 500 feet of the blow down events that would occur at SDG&E and SCGC facilities.

In addition, SDG&E and SCGC requests that the following language be added to mitigation measure 4.12.6.4A to clarify responsibility for installation of any sound attenuation facilities:

Mitigation Measures. Operation of the proposed WLC project could result in exposure of people to noise levels as high as 130 dBA or greater during SCGC blow-down events. The following measure would reduce long-term utility related noise impacts associated with the proposed WLC project:

4.12.6.4A Prior to the issuance of building permits for projects within 500 feet of the SCGC and SDG&E facilities, documentation shall be submitted to the City confirming that sound attenuation devices or improvements for the blow-down facilities providing at least a 40 dB reduction in noise levels during blow-down events area available and will be installed for all planned blow-down events. It shall be the responsibility of the developer to fund any sound attenuation improvements to the blow-down

2

World Logistics Center
Draft Environmental Impact Report Comments
April, 2013
Page 2 of 2

facilities required by this measure. It shall also be the responsibility of the developer to coordinate with SDG&E and/or SCGC regarding the installation of any sound attenuation devices or improvements on the blow-down facilities at either the SDG&E compressor station or the SCGC pipelines. This measure shall be implemented to the satisfaction of the City Planning Official.

2

2. As discussed in Section 3.4.6.3 of the DEIR, relocation of natural gas transmission lines within the proposed WLC project into public street rights - of-way and easements will be necessary to support site development and grading of the WLC project. SDG&E and SCGC request that language be added to the DEIR stating that any relocations of utilities necessary to implement the World Logistics project will be the responsibility of the developer. SCGC will work with the project proponent to relocate the pipeline(s) to a mutually agreeable location at the project proponent's expense.

3

3. As discussed in Chapter 3 of the DEIR, a general plan amendment and zone change covering 3,814 acres, which will designate 1,084 acres of land for Open Space (CDFW and SDG&E properties), 20 acres for Public Facilities (SDG&E and SCGC properties), and 2,710 acres for the WLC Specific Plan is proposed as a part of the WLC Project. SDG&E and SCGC requests that language be added to the DEIR including assurances that SDG&E and SCGC property designated as open space in accordance with the proposed general plan amendment and zone change would not be considered permanently set aside for habitat preservation. SDG&E and SCGC need to retain the ability to implement projects on SDG&E and SCGC property.

4

Should you have any questions, please do not hesitate to call me.

Sincerely,



Thomas G. Acuna, AICP
Land Planning Supervisor
Environmental Services
SDG&E
Sempra Energy Utility
(858) 637-3701

cc: Lea Petersen
Dave Stallings
Devin Zornizer

RESPONSES TO LETTER C-4

Sempra Energy

Response to Comment C-4-1. The Company has accurately summarized the project conditions that are most relevant to natural gas facilities.

Response to Comment C-4-2. Southern California Gas Company (SDG&E) and SCGC request that language be added to the EIR stating that the developer shall be responsible for mitigating any impacts associated with locating development within 500 feet of the blow down events that would occur at SDG&E and SCGC facilities. Comments and changes to Mitigation Measure (MM) 4.12.6.4A as suggested by SDG&E and SCGC have been incorporated as follows:

4.12.6.4A Prior to the issuance of building permits for projects within ~~500~~ 1,300 feet of the Southern California Gas Company (SCGC) and San Diego Gas and Electric (SDG&E) blow-down facilities, documentation shall be submitted to the City confirming that sound attenuation devices and/or improvements for the blow-down facilities providing at least a 40 dB reduction in noise levels during blow-down events are available and will be installed for all planned blow-down events. It shall be the responsibility of the developer to fund all sound attenuation improvements to the blow-down facilities required by this measure. It shall also be the responsibility of the developer to coordinate with San Diego Gas and Electric and/or Southern California Gas Company regarding the installation of any sound attenuation devices or improvements on the blow-down facilities at either the San Diego Gas and Electric compressor station or the Southern California Gas Company pipelines. This measure shall be implemented to the satisfaction of the City ~~Planning~~ Official Land Management Division (per Noise Study MM N-11, pg.65).

Response to Comment C-4-3. SDG&E and SCGC request that language be added to the DEIR stating that any relocations of utilities necessary to implement the WLC project will be the responsibility of the developer. The comment does not raise an issue with the adequacy of the DEIR. No response is required. The project proponent will work with SCGC to relocate the pipeline(s) to a mutually agreeable location. Any relocation of existing pipelines will be done in accordance with the existing pipeline easement documents.

Response to Comment C-4-4. SDG&E and SCGC requests that language be added to the DEIR including assurances that SDG&E and SCGC property designated as open space in accordance with the proposed general plan amendment and zone change would not be considered permanently set aside for habitat preservation. The designation of Open Space (OS) with the WLC proposed General Plan Amendment and Zone Change, over property owned by SDG&E or SCGC, is not for habitat preservation nor is the WLC receiving any benefit or credits for the OS designation over SDG&E or SCGC property. The City Municipal Code Table 9.02.020-1 lists several permitted uses within the OS designation which include agricultural and public facilities.

D. LETTERS FROM COUNTY DEPARTMENTS/AGENCIES

**Letter D-1: Riverside County Flood Control and Water Conservation District
(RCFCWCD) (March 25, 2013)**

WARREN D. WILLIAMS
General Manager-Chief Engineer



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MAR 27 2013
CITY OF MORENO VALLEY
Planning Division
51183

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

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

Attention: Mark Gross, AICP
Ladies and Gentlemen: Senior Planner

DEIR
Re: PA 12-0010, 11, 12, 13, 14, 15
World Logistics Center

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

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

- ☐ No comment.
- ☐ This project would not be impacted by District Master Drainage Plan facilities nor are other facilities of regional interest proposed.
- ☐ This project involves District Master Plan facilities. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.
- ☒ This project proposes channels, storm drains 36 inches or larger in diameter or other facilities that could be considered regional in nature and/or a logical extension of the adopted Moreno Master Drainage Plan. The District would consider accepting ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.
- ☒ This project is located within the limits of the District's Moreno Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.
- ☒ An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities. For further information, contact the District's encroachment permit section at 951.955.1266.
- ☒ The District's previous comments are still valid. The Moreno MBP is currently being revised.

GENERAL INFORMATION

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

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

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

Very truly yours,

HENRY OLIVO
Engineering Project Manager

Date: 3/25/2013

c: Riverside County Planning Department
Attn: Kristi Lovelady

EWR

RESPONSES TO LETTER D-1

Riverside County Flood Control and Water Conservation District

Response to Comment D-1-1. It is noted that Riverside County Flood Control and Water Conservation District (District) comments are limited to items of specific interest to the District which is the Moreno Area Drainage Plan. It is also noted that the District has not reviewed the proposed project in detail nor does the District imply approval or endorsement of the project.

Response to Comment D-1-2. Draft Environmental Impact Report (DEIR) Section 4.9.6.1 *Drainage Pattern and Capacity Related Impacts*, discusses potential drainage facilities that are 36-inches and larger. At the time of final design, the project developer will coordinate with the District to discuss the District accepting ownership of these facilities. Facilities to be constructed that are agreed to be accepted and owned by the District will be constructed to District standards and appropriate plan checks, inspections and fees will be paid.

Response to Comment D-1-3. Portions of the World Logistics Center (WLC) project are in the Moreno Area Drainage Plan. Applicable fees will be paid prior to issuance of grading permits at the rate in effect at the time of issuance of the permit.

Response to Comment D-1-4. Encroachment permits will be obtained for any work occurring within the District's right-of-way.

Response to Comment D-1-5. It is noted that the Moreno Master Drainage Plan is currently being revised.

Response to Comment D-1-6. The project developer will comply with appropriate National Pollutant Discharge Elimination System permits and submit the Notice of Intent prior to grading. The WLC project is not within a mapped Federal Emergency Management Agency floodplain. The project developer will obtain appropriate 404 and 1602 agreements and a 401 certification from the United States Army Corps of Engineers, the California Department of Fish and Wildlife, and the Regional Water Quality Control Board.

**Letter D-2: Riverside County Transportation and Land Management Agency
(TLMA) (April 9, 2013)**



COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

Juan C. Perez
Agency Director



April 9, 2013

Mr. Mark Gross, AICP
 Senior Planner
 Community and Economic Development Department
 City of Moreno Valley
 14117 Frederick Street
 Moreno Valley, CA 92553

**RE: NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
 WORLD LOGISTICS CENTER PROJECT**

Dear Mr. Gross,

Thank you for the opportunity to review the Draft Environmental Impact Report for The World Logistics Center Project (DEIR). The project proposes development of 3,918 acres allowing for approximately 41.4 million square feet of high-cube logistics warehouse distribution uses and 200,000 square feet of warehouse related uses. The Transportation and Land Management Agency (TLMA) has reviewed the DEIR and has the following comments:

Transportation:

As noted in the DEIR (page 4.15-24), the City's General Plan calls for a realignment of Alessandro Boulevard and a relocation of its intersection with Gilman Springs Road. Similarly, the project intends to connect Eucalyptus Avenue to Gilman Springs Road. TLMA requests that the City coordinate the realignments and connections of Alessandro Boulevard and Eucalyptus Avenue to Gilman Springs Road with the County.

Under the discussion of Project Direct Impacts of Road Sections in the DEIR and its traffic study, Gilman Springs Road between SR-60 and Bridge Street is identified as being impacted by the project. The mitigation identified to bring Gilman Springs Road to an acceptable level of service is to widen the road to 4-lanes. The DEIR indicates the project's fair share will be paid as mitigation. However, under the City's General Plan Circulation Element, Gilman Springs Road is identified as a 6-lane Divided Major Arterial.

The County is currently working with the City of Moreno Valley to implement safety improvements on Gilman Springs Road. TLMA staff requests that the City require the World Logistics Center project to make its half-width improvements to Gilman Springs Road (3 lanes to full width), plus reconstruct the northbound lane in the County jurisdiction to match grade in order to be able to fully stripe the road to 4 lanes, expanding upon the work being done now by the County and Moreno Valley.

For Intersection Direct Impacts under the *Existing Plus Project* scenario, the DEIR and traffic study indicate the project as having a direct impact on the following intersections:

Bridge Street at Ramona Expressway
 Gilman Springs Road at Bridge Street
 Both Ramps of SR-79 (Sanderson Avenue) at Gilman Springs Road
 Redlands Boulevard at San Timoteo Canyon Road

For each of the impacted intersections described above the improvement identified to reduce the impact to less than significant is through the installation of a traffic signal and associated street improvements. The City will require the developer to pay for the improvements in the form of fair share fees. RCTD requests that the mitigation fees be paid to the County at the time of building permit issuance, in order to mitigate project impacts, since these intersections are within County and/or Caltrans jurisdiction.

Air Quality:

The South Coast Air Basin (SCAB) is designated by the Environmental Protection Agency (EPA) as a nonattainment basin for ozone, nitrogen dioxide, PM10, and PM2.5. The goal of the 2012 Air Quality Management Plan adopted by the AQMD is to expand upon the progress made over the last 35 years in air quality management and improvements within the SCAB. The Federal nonattainment status, specifically for ozone and ozone precursors, has resulted in significant efforts undertaken throughout the basin to improve the regional air quality.

In order to reduce project air quality impacts, TLMA recommends that the City require that heavy duty trucks that will serve the project meet the Tier IV EPA emissions standards that have been adopted by AQMD, and work with AQMD to implement these standards at the earliest opportunity.

We also recommend that electric charging, CNG or LNG fueling stations be constructed to provide a meaningful alternative fuel infrastructure to serve the large truck fleet and on-site equipment that will be generated by this project.

If you have any questions or concerns please feel free to contact me at (951) 955-6749.

Sincerely,



Juan C. Perez
 Director of Transportation and Land Management

Cc: Marion Ashley, 5th District Supervisor
 Carolyn Syms Luna, Planning Director
 Frank Coyle, Planning Deputy Director
 Patricia Romo, Transportation Assistant Director
 Farah Khorashadi, Engineering Division Manager

JCP:fk/ar

RESPONSES TO LETTER D-2

Riverside County Transportation and Land Management Agency (TLMA)

Response to Comment D-2-1. The commenter notes that the World Logistics Center (WLC) proposes to develop 3,918 acres allowing for 41.1 million square feet of high-cube warehouse and 200,000 square feet of warehouse related uses.

The correct acreage is 3,714 (see Table 20 in the Transportation Impact Assessment (TIA)). It should be noted the Specific Plan area has been reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet down 2.4 percent from the original 41.6 million square feet.

Response to Comment D-2-2. The commenter notes Gilman Springs Road is identified as 6-lane divided major arterial in City's General Plan and requests the City require the WLC to construct a half-width of the road (i.e. 3 southbound lanes) and reconstruct the northbound lane. The commenter also requests the Project's fair share contribution to improvements to four County intersections be collected at the time of building permit issuance.

The developer will pay for three southbound lanes and one northbound lane on Gilman Springs Road in accordance with Moreno Valley General Plan Policy 5.5.7. The developer will receive credit for the cost in excess of his fair share contribution. Please refer to revised TIA Chapter 11, Section E, sub-section on Road Section Direct Impacts (Final Environmental Impact Report (FEIR) Volume 2 Appendix L).

At present, the only mechanism for collecting payments from a developer for improvements outside the City of Moreno Valley is the Transportation Uniform Mitigation Fee (TUMF) program. Please refer to Mitigation Measure (MM) 4.15.7.4E in FEIR Volume 2 (based on MM Trans-5 in TIA Chapter 11, Section G (FEIR Volume 2 Appendix L). MM 4.15.7.4E, as revised in the FEIR, requires that the developer pay its fair share of the cost of constructing the traffic improvements required to mitigate the project's traffic impacts, identified in EIR Tables 4.15.AT through 4.15.AY, for intersections and road segments outside of the City's jurisdiction (i.e., under the jurisdiction of other cities, the County and Caltrans) in order to mitigate the identified programmatic impacts to less than significant levels. The fair share payment requirement shall be imposed as a condition of plot plan approval for each building within the project, and no certificate of occupancy for a building within the project shall be issued until the fair share payment for that building has been paid.

In addition, the EIR includes MM 4.15.7.F requiring that the City participate in a multi-jurisdictional effort with Caltrans and adjacent cities to develop a study to identify fair-share contribution funding sources to supplement other regional and State funding sources necessary to implement the State facility and extra-territorial improvements identified in the EIR. The EIR also includes MM 4.15.7.G requiring that the City coordinate with WRCOG with the goal of shifting TUMF funding priorities so they align with the improvements identified by the City and in the proposed project's TIA and EIR. Lastly, the EIR includes MM 4.15.7.H requiring that the City work with the WLCSP development and other jurisdictions to coordinate the funding and installation of intersection and roadway improvements outside of the City's jurisdiction. With these MMs, a process has been established that will provide the necessary first step towards the eventual multi-jurisdictional coordination needed to implement the traffic improvements that are outside of the City's jurisdiction. Even with such coordination, it is appropriate for the City to consider impacts to these State and extra-territorial transportation facilities significant and unavoidable.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment D-2-3. The TLM recommends the following measures. Please see the Mitigation Monitoring Reporting Program in FEIR Volume 1 for a list of the current mitigation measures.

Suggested Mitigation Measure	Response
<p>The City shall require that heavy-duty trucks that serve the project meet the Tier IV EPA emissions standards that have been adopted by AQMD, and work with AQMD to implement these standards at the earliest opportunity.</p>	<p>The commenter has incorrect terminology. The standards have not been adopted by the South Coast Air Quality Management District (SCAQMD). The U.S. Environmental Protection Agency (EPA) Tier 4 emissions standards apply to non-road engines, such as construction equipment (40 CFR, Section 1039). MM 4.3.6.2A requires Tier 4 construction off-road equipment.</p> <p>The EPA's Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements were phased in beginning in 2007 and ending in 2010. A PM emissions standard of 0.01 g/bhp-hr took full effect in 2007. Standards for NOx and non-methane hydrocarbons of 0.20 g/bhp-hr and 0.14 g/bhp-hr, respectively would be phased in between 2007 and 2010. Fifty percent of sales in 2007 needed to comply and 100 percent of sales in 2010.</p> <p>The DEIR included as a project design feature that the diesel trucks would incorporate the 2010 standards. This was changed from a project design feature to a mitigation measure (MM 4.3.6.3B) in the FEIR (refer to FEIR Volume 2 Section 4.3 Air Quality).</p>
<p>Electric charging, CNG or LNG fueling stations should be constructed to provide a meaningful alternative fuel infrastructure to serve the large truck fleet and onsite equipment.</p>	<p>Already Included. MM 4.3.6.3C requires an onsite alternative fueling station and MM 4.3.6.4A requires electric vehicle charging at each building. In addition, a project design feature in the Specific Plan (Section 12.3 of the WLC Specific Plan (SP) requires onsite equipment to use alternative fuel.</p>

E. LETTERS FROM LOCAL AGENCIES/CITY DEPARTMENTS

Letter E-1: City Of Perris (April 3, 2013)



CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT

PLANNING DIVISION

135 NORTH D STREET, PERRIS, CA 92570-2200

TEL.: (951) 943-5003 FAX: (951) 943-8379

April 3, 2013

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

RECEIVED

APR 10 2013

CITY OF MORENO VALLEY
Planning Division

SUBJECT: Comments on the World Logistics Center Project Draft Environmental Impact Report (SCH #2012021045)

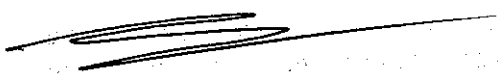
Dear Mr. Gross:

The City of Perris appreciates the opportunity to comment on the Notice of Availability for the proposed Draft Environmental Impact Report (EIR) regarding the World Logistics Center Specific Plan involving 41 million square feet of high-cube logistic uses located in the northeasterly area of the City of Moreno Valley. The project boundary is approximately five miles northeast of the City of Perris' northern limits. The City of Perris Planning Division does not have any specific environmental issues or mitigation alternatives to provide at this time.

The City does, however, have general concerns with the traffic study conclusion, which indicates that Highway 60 is projected to operate at a failing level of service but does not identify a mechanism to remedy this situation beyond TUMF and DIF. The City of Perris is concerned about congestion on the freeway, and whether it will lead drivers to divert onto surface streets, using routes such as Perris Boulevard, Evans Road and Ramona Expressway to connect to the I-215 Freeway. As such, the City of Perris requests an opportunity to review and comment on the Final EIR and the conclusion traffic study for the project.

The City of Perris looks forward to the opportunity to review the Final EIR and related supporting traffic study documents. Please include the City of Perris on any future mailing lists addressed to Clara Miramontes, Planning Manager, regarding these documents as well as future notifications of meetings/public hearings associated with the project and subsequent development implementation of the Specific Plan. The City of Perris would like to determine whether this project or subsequent developments will have an impact on Perris streets, and if mitigation alternatives should be considered. If you have any questions or concerns, please do not hesitate to contact me at (951) 943-5003, extension 257.

Sincerely,


Kenneth Phung
Interim Planning Manager

Cc: Richard Belmudez, City Manager
Ron Carr, Assistant City Manager
Eric Dunn, City Attorney
Habib Motlagh, City Engineer
Clara Miramontes, Planning Manager

RESPONSES TO LETTER E-1

City of Perris

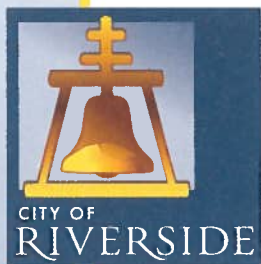
Response to Comment E-1-1. The commenter has accurately summarized the indicated project characteristics and the City of Moreno Valley acknowledges that the City of Perris has no comments regarding environmental impacts, mitigation, or alternatives at this time. It should be noted the Specific Plan area has been reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet down 2.4 percent from the original 41.6 million square feet.

Response to Comment E-1-2. The commenter expresses concern about congestion on freeway leading to traffic diverted onto city streets (in City of Perris) and that no mechanism for correcting this has been identified beyond Transportation Uniform Mitigation Fee (TUMF) and Development Impact Fees (DIF).

At present, the only mechanism for collecting payments from a developer for improvements outside the City of Moreno Valley is the TUMF program. MM 4.15.7.4E, as revised in the FEIR, Volume 2 Revised DEIR,, requires that the developer pay its fair share of the cost of constructing the traffic improvements required to mitigate the project's traffic impacts, identified in EIR Tables 4.15.AT through 4.15.AY, for intersections and road segments outside of the City's jurisdiction (i.e., under the jurisdiction of other cities, the County and Caltrans) in order to mitigate the identified programmatic impacts to less than significant levels.

Response to Comment E-1-3. As a commenting responsible agency, the City of Perris will be sent a copy of the FEIR with all responses to comments and updated technical studies, and a marked up copy of the Draft Environmental Impact Report (DEIR) indicating any additions or changes as a result of the responses to comments.

Letter E-2A: City of Riverside (April 8, 2013)



Community Development
Department
Planning Division

April 8, 2013

Mark Gross, AICP
City of Moreno Valley
Community and Economic Development Department - Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: World Logistics Center Project - Draft Environmental Impact Report (SCH# 2012021045)

Dear Mr. Gross:

The City of Riverside ("Riverside") appreciates the opportunity to comment on the World Logistics Center ("WLC") Draft Environmental Impact Report ("Draft EIR" or "DEIR") prepared by the City of Moreno Valley ("City"). The proposed World Logistics Center Project analyzed in the Draft EIR includes 41.6 million square feet of new logistics development and the associated infrastructure on 3,918 acres ("Proposed Project" or "Project"). The Draft EIR concludes that the Proposed Project would have numerous significant and unavoidable impacts to Traffic and Circulation, Aesthetics, Agriculture, Air Quality, Cultural Resources, Greenhouse Gases and Global Climate Change, Land Use and Planning, and Noise.

While the Proposed Project would undoubtedly provide economic benefits to the region, Riverside would like to ensure that health of its citizens and the environment have been adequately considered and mitigated in the Draft EIR. As described in greater detail below, Riverside has serious concerns regarding the adequacy of several analyses, particularly the traffic analysis. The Proposed Project will generate approximately 71,000 daily trips, many of which will travel through the City of Riverside. Riverside is concerned that this project will produce cut-through traffic on Riverside's road system, particularly Alessandro Blvd. and Van Buren Blvd., as freeways become overburdened by significant increases in truck traffic.

The Draft EIR uses incorrect and internally inconsistent growth assumptions for the traffic analysis and only accounts for a small fraction of the project's trip generation. Notwithstanding these errors, the Draft EIR concludes there would be numerous significant and unavoidable impacts to many of the intersections, some of which would increase delay at intersections by a factor of 40. Riverside believes there are numerous additional feasible mitigation measures

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which should be made conditions of approval. For the reasons described in greater detail below and the attached comment letter from Riverside's Traffic Consultants, Linscott, Law & Greenspan, Engineers (Attachment 1), the Draft EIR should be revised and recirculated for additional public/agency review.

TRAFFIC

1. Traffic Methodology

a. The Draft EIR Traffic Impact Analysis Uses Incorrect and Inconsistent Cumulative Growth Assumptions

The Draft EIR Traffic Impact analysis uses incorrect and internally inconsistent cumulative growth assumptions which have understated the project's traffic impacts. Because the project's traffic impacts have been understated, all DEIR impact analyses that were based upon the traffic analysis have been understated as well, including but not limited to, air quality, greenhouse gas, and the noise analysis. (DEIR Page 4.15-30.)

The traffic analysis on page 4.15-28 of the Draft EIR states:

Per the City of Moreno Valley Traffic Impact Analysis Preparation Guideline ["TIAPG"] ...opening year cumulative traffic volumes were developed by adding a 2 percent per annum growth rate to existing baseline traffic volumes; therefore, a total ambient growth of 12 percent of the existing baseline conditions was added to develop opening year cumulative conditions.

This language is based upon the language in Exhibit B of the TIAPG which states "...assume growth rate of 2% per year..." However, the use of 12% (6 years \times 2%) for total growth over the six year period is an incorrect value for an annual 2% growth rate. If the analysis had actually applied the stated 2% annual growth rate, it should have assumed a total growth rate of 12.62% (i.e., 1.02^6) in the year 2017 in comparison to 2012. The analysis, therefore, understates the cumulative traffic impacts. Furthermore, the 2% annual growth assumption is internally inconsistent with the growth assumptions from the City's General Plan which the Draft EIR relies upon. Draft EIR Section 2.10.2 states:

Table 2.D summarizes the cumulative growth information from the Final Program EIR for the City General Plan Update from July 2006 (Section 7, Cumulative Impacts). Table 2.D shows that the City expects to grow at an average annual rate of 2–3 percent from 2000 to 2030. (Emphasis added.)

Table 2-D in fact shows an average annual population growth rate in the City of Moreno Valley of 2.24% and average annual household growth rate of 2.75%. Regional growth rate projections for Riverside County are also shown at 2.33%. Even assuming the smaller 2.33% average annual regional growth rate provided in this table, this yields a 14.82% (1.0233^6) growth rate in the year 2017 in comparison to 2012, rather than the 12% growth rate assumed

in the traffic analysis. Because the cumulative traffic analysis used the incorrect growth assumptions, the cumulative impacts of the project have been understated. The traffic analysis should, therefore, be revised to use internally consistent annual growth assumptions.

b. The Traffic Analysis Fails to Address the Project's Trip Peaking Characteristics Outside of the AM and PM Peak Hours

The traffic analysis in Draft EIR Section 4.15.6 inappropriately relies upon an a.m. and p.m. peak hour analysis,¹ based upon the existing peak hours in the City. The Draft EIR should be revised to provide additional traffic analyses: (1) based upon the project's peak trip generation time periods, and (2) based upon the ADT ("Average Daily Traffic") methodology. The Draft EIR concludes that "[t]he project is estimated to generate a net total of approximately 71,085 daily trips with approximately 4,672 occurring during a.m. peak hour and 5,101 occurring during the p.m. peak hour." (Draft EIR page 4.15-31.) In fact, the Draft EIR recognizes that "The WLC would create approximately 25,000 new jobs; nearly doubling the number of jobs in Moreno Valley," meaning that the project will be the single largest trip generator in the City. (Draft EIR page 4.15-32.) While, an a.m. and p.m. peak hour analysis might be appropriate in other contexts, it is not appropriate here given the nature and magnitude of this project. Use of the traditional a.m. and p.m. peak hour analysis has resulted in an understatement of the project's impacts. As described in greater detail below, the project will be the largest single trip generator in the City and will likely result in a new peak traffic hour which has not been analyzed in the Draft EIR.

The current traffic analysis has only analyzed 13.7% of the project's trip generation (i.e., trip generation in the a.m. and p.m. peak hours), the remaining 86.3% (61,312 trips), which occurs outside these peak hours, has not been analyzed. (Draft EIR page 4.15-31.) Just 13.7% of the project trips are sufficient to nearly double the delay at numerous intersections and result in a nearly a fortyfold increase at others. If only 13.7% of the project's trips can result in nearly a fortyfold increase in delay at intersections, imagine the amount of delay that would occur if the additional 61,312 trips had been accounted for in the traffic impact analysis.

For example, Table 4.15.AD-1 indicates that Intersection 10 (Redlands Blvd./Locust Ave.) is currently operating at a delay of 26.7 seconds. The project will result in a delay greater than 50 seconds (Level of Service ("LOS") F) at this intersection during the a.m. peak hour; at a minimum, doubling the delay. (Similar intersections would see a doubling of their delay during the a.m. peak hour in the 2012 scenarios, including Intersections 13, 14, 20, 46, 123, 124, 132, 133, 134.) In fact, intersection 27 (Redlands Blvd./Cactus Ave.) would result in a nearly fivefold increase in the delay during the a.m. peak hour and a nearly fortyfold increase during the p.m. peak hour in the 2012 scenarios. (Draft EIR Table 4.15-AD-2.) Similar increases are shown in

¹ While the time periods associated with the a.m. and p.m. peak hours do not appear to be included in the text of the Section 4.15 of the Draft EIR, Figure 28 in Appendix I suggests the a.m. peak hour occurs from 6 a.m. to 9 a.m., and the p.m. peak hour occurs from 3 p.m. to 6 p.m.

the 2017 scenario a.m. peak hour analysis [including but not limited to Intersections 12, 27, 122], the 2022 scenario am peak hour analysis [including but not limited to Intersections IN-6, IN-12, IN-19, IN-27, IN-19, IN-27, IN-46, IN-135], and the General Plan Buildout analysis [including but not limited to Intersections IN-6, IN-10, IN-11, IN-12, IN-18, IN-19, IN-27, IN-35, IN-132].

As described in the previous paragraph, just 13.7% of the project's daily trip generation (combined a.m. and p.m. peak hour trip generation) constitutes the primary source of trip generation and delay at numerous intersections. Typical² logistics centers have a truck trip maximum peak hour well outside of the a.m. and p.m. peak hours analyzed in the Draft EIR; from approximately 1 p.m. to 2 p.m. (Draft EIR Appendix I, Figure 28.) Furthermore, there are two additional smaller peak time periods from approximately 4 a.m. to 6 a.m. and from 10 p.m. to 12 a.m. Given that (1) 86.3% of the project's trip generation occurs outside the peak hours and have not been taken into account in the impact analysis and (2) the project will be the single largest trip generator in the City of Moreno Valley, it is important for the City to analyze the impacts of the *project's* peak hour, rather than the *traditional* peak hours which occurred before the project's implementation.

In addition to the traffic analysis based upon the Project's peak hours, an ADT analysis should also be included in the Draft EIR.³ The ADT methodology provides a total daily average of the various roadway segments' capacity. This would allow the City to determine whether the roadway segments have sufficient capacity for 100% of the Project's trip generation, rather than just 13.7.

The Draft EIR should be revised to (1) explain the project's traffic peaking characteristics assumptions, (2) the rationale for those assumptions, (3) additional traffic analysis that is based upon the Project's peak hours, (4) an ADT analysis, and (5) incorporation of feasible mitigation measures. Upon completion of these revisions, the Draft EIR should be recirculated for public and agency review. Additional comments regarding peaking characteristics and suggested methodology are included in the attached comments from Riverside's Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.)

c. The Draft EIR Fails to Disclose the Project's Impacts at Numerous Intersections

The Draft EIR measures the Project's traffic impacts based upon the delay caused by the Project. However, in many instances, the Draft EIR places an artificial numerical ceiling on the analysis and states that the delay is "> 50" seconds without the project, and "> 50" seconds with the project (e.g., Table 4.15.A1-1 [Intersections 9, 13, 20, 36, 45, 62, 103, 124, 125, 132,

² The Draft EIR does not actually provide the traffic peaking characteristics assumptions for the World Logistics Center Project. This information should be included in the DEIR and recirculated for public/agency review and comment.

³ As noted in the Riverside County Transportation Department Traffic Impact Analysis Preparation Guidelines (April 2008), ADT analysis is appropriate where "...intersection analyses are not the controlling factor or for general planning purposes." (Page 3.)

133, 134, 135, 136, etc.], Table 4.15.A1-2 [Intersections 10, 13, 20, 45, 60, 74, 94, 95, 122, 124, 125, 132, 133, 134, 135, 136, etc.]). This type of analysis fails to disclose the project's traffic impacts. The courts have held that a lead agency cannot travel the "legally impermissible easy road to CEQA compliance" by "simply labeling the effect 'significant' without accompanying analysis of the project's impact." (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1371.) Yet this is precisely what has been done here. The public and decision makers have no way of ascertaining whether the project is resulting in an increase or decrease in delay in these situations, or the severity of the change in delay. The traffic analysis should be revised to eliminate this artificial ceiling and recirculated for public/agency review.

d. The Draft EIR Traffic Impact Analysis Uses an Incorrect Geographic Scope

The Draft EIR artificially limits the geographic scope of the traffic analysis. As described in greater detail below, the analysis stops short of analyzing the impacts of routes to the Port of Los Angeles/Long Beach, and eliminates a huge portion of the analysis along Highway 215. The geographic scope of the traffic analysis should be revised.

CEQA Guidelines Section 15130(b)(3) states that "Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." The only discussion of the geographic scope of the traffic analysis is provided on Draft EIR page 4.15-2 through 4. While the discussion explains that surface street analysis was limited to streets where the project would "add 50 or more peak hour trips,"⁴ no such explanation was provided for the freeway analysis. The geographic scope of the freeway segment analysis is shown in Draft EIR Figure 4.15.3 but no rationale is provided for its selection.

The Draft EIR acknowledges that "The project would be bringing cargo containers from the Port of Los Angeles or the Port of Long Beach ["Ports"]" (Draft EIR page 4.7-43), however, the geographic scope of the freeway segment analysis stops well before the Port of Los Angeles/Long Beach, by nearly 34 miles (by line of site). It is reasonably foreseeable that these truck trips will drive to the Ports, therefore, the Draft EIR should expand the geographic scope of the traffic analysis to include freeway segments to the Ports.

It is unclear why the geographic scope of the freeway segment analysis did not include portions of the 215 between the 60 to the north and the 74 to the south (see DEIR Figure 4.15.3). Freeway segments along this southern portion of the freeway are significantly impacted; for example freeway segment F-70 on the 215 (DEIR Table 4.15.AK-2). There is a high likelihood other components of the freeway system will be significantly impacted, but these impacts have

⁴ As noted in the previous Section to this comment letter, Riverside believes that supplemental analysis should also be provided based upon the project's peak traffic hours rather than a.m. and p.m. peak hours. Given that the geographic scope of the surface street analysis was based upon the a.m. and p.m. peak hour trip generation, the geographic scope of the project's peak analysis should also be revised based upon 50 or more peak hour trips for the project.

not been addressed because they have been inexplicably left out of the analysis by artificially limiting the geographic scope.

We request that the geographic scope of the traffic analyses be revised, consistent with the discussion provided above and recirculated for public and agency review. Additional comments regarding geographic scope are included in the attached comments from Riverside's Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.)

e. The Draft EIR Fails to Disclose the Cumulative Transportation Improvements

While the Draft EIR purports to use growth projections for the cumulative analysis, as described earlier in this letter, the analysis also partially relies upon a list of projects approach, as it incorporates a number of specific future roadway improvements. For example, Draft EIR Section 4.15.3.1 states that the cumulative future year scenarios (including 2017, 2022, and 2035), include "improvements funded through local and regional transportation mitigation fee programs..." However, no specific regional roadway improvements are identified in the Draft EIR. This approach fails to comply with the requirements of CEQA Guidelines Section 15130(b)(1)(A). These roadway improvement assumptions should be identified, including the year these improvements will be completed and their funding sources.

Additional comments regarding cumulative transportation improvements are included in the attached comments from Riverside's Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.)

f. The Draft EIR Fails to Disclose the Trip Distribution Assumptions

While CEQA permits the use of reasonable assumptions, those assumptions must be based upon substantial evidence. (See Pub. Resources Code § 21080(e).) The Draft EIR states that "[t]he proposed project's trip distribution was developed for both passenger cars and trucks." (Draft EIR page 4.15-31.) While a general qualitative description of these assumptions is provided in the Draft EIR, none of the specific assumptions or supporting evidence is included.

For example, the Draft EIR page 4.15-33 states that "...all trucks must use established truck routes within the City of Moreno Valley..." however, no description of these established truck routes or their destinations (with the exception of the Ports) is provided in the Draft EIR, nor is this information provided in Appendix L. Detailed trip distribution assumptions should be incorporated into the Draft EIR. The Draft EIR should also be revised to account for trip diversions when intersections and roadway segments become so congested that individuals re-route. For example, the Draft EIR states that one intersection will have an average delay of 862.9 seconds (14.4 minutes). (See Draft EIR Table 4.15-AD-2.) Individual drivers are unlikely to continue the use of routes which have a 14 minute delay for an individual intersection.

Additional comments regarding trip distribution assumptions and diversions are included in the attached comments from Riverside's Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.)

2. Alternatives' Analysis of Traffic Impacts

a. The Draft EIR Alternatives' Analysis Provides an Insufficient Level of Detail

The Draft EIR provides inadequate analysis of the alternatives' impacts to traffic. CEQA Guidelines Section 15126.6(d) requires the alternatives analysis to "...include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." However, very little information is provided regarding the alternatives' significant traffic impacts.

For example, the No Project/Existing General Plan analysis (Draft EIR page 6-19) provides the total average daily trip generation for each alternative and notes "[i]t is reasonable to assume that an increase of 25 percent of traffic trips would increase traffic on local roadways and intersections." Such an assumption is not reasonable for these alternatives because the Proposed Project's traffic impact analysis is based upon unique trip distribution assumptions for a logistics center. As discussed on Draft EIR page 4.15-32:

The truck trip distribution patterns have been developed based on the anticipated travel patterns for the proposed project's high-cube logistics warehousing trucks. Since the internal trips, the port-related trips, and the majority of external trips (all but those on I-10) use routes west of the project site, it is anticipated that a large majority of the WLC truck traffic will be oriented to the west of the project, with a much smaller amount to and from the east.

These trip distribution assumptions are not applicable to residential/mixed-use/retail-uses included in the existing general plan alternative, and the other types of uses proposed in the various alternatives. These different uses will have vastly different peaking characteristics and distribution patterns (i.e., residential uses are unlikely to be driving to the Ports). While some intersections may be increased due to higher trip generation under this existing general plan alternative, other significantly impacted intersections/segments/freeways may be vastly improved because of the change in likely trip destinations. The level of detail provided in the analysis is insufficient to allow the public and decision makers the ability to determine which traffic impacts would be reduced by the selection of the various alternatives. The Alternatives' traffic analysis should be revised to fully describe the levels of service and delay for individual intersections/segments/freeways.

3. Traffic Mitigation Measures

The Proposed project creates numerous significant traffic impacts. For example, under the 2035 scenario the project would result in significant impacts at 39 intersections, 2 roadway segments, 53 freeway segments, and 15 freeway weaving segments. (Draft EIR Section 4.15.6.) While Section 4.15.7 contains discussion of several mitigation measures, many of these mitigation measures are dismissed as "infeasible." (For example, see Draft EIR page 4.15-189, Intersection IN-95.) Riverside believes there are additional feasible mitigation measures which should be incorporated into the Mitigation Monitoring and Reporting Program ("MMRP").

Furthermore, the Draft EIR should be revised to provide a concise listing of the suggested transportation improvements which have been determined to be feasible and which will be incorporated into the MMRP. The discussion of mitigation measures in Section 4.15.7.3 ("Required Improvements") includes discussion of feasible *and infeasible* transportation improvements.

Additional comments regarding mitigation measures are included in the attached comments from Riverside's Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.)

a. The Proposed Transportation Uniform Mitigation Fee ("TUMF") (Mitigation Measure 4.15.7.4D) is Inadequate to Fully Address the Project's Significant Impacts

The EIR states that "if the identified facility was already part of the TUMF or DIF Program, then payment into the TUMF or DIF program constitutes mitigation of impacts to the TUMF and DIF facilities." (Draft EIR Section 4.15.7.)

MM 4.15.7.4D proposes to mitigate the project's significant traffic impacts to facilities already included in the TUMF Program through payment of TUMF fees. This payment is insufficient to mitigate the project's significant traffic impacts. TUMF fees are allocated based upon specific assumptions, with 48.7% of the funds generated in each zone going back to that zone to be programmed for projects, and 48.7% of the funds allocated to regional inter-zone projects programmed by the Riverside County Transportation Commission ("RCTC"). The City of Moreno Valley is in the Central Zone, thus 48.7% of the project's TUMF fees will be allocated within the zone, while 48.7% will be distributed regionally. Additionally, fee revenues are split between the backbone network, or facilities of regional significance, and the secondary network, or facilities of zonal significance. (ES.4, 2009 TUMF Nexus Study.⁵) The split of fee revenues between the backbone and secondary highway networks is related to the proportion of highway vehicle travel that is local, i.e., between adjacent communities, and regional, i.e., between more distant communities within western Riverside County. (2009 TUMF Nexus Study, page 40.) A future travel forecast estimate was conducted to determine the appropriate distribution of fees between networks. (*Id.*) Based upon the travel forecast estimates of the vehicle trips in 2035, 65.5% of the trips originating in the Central Zone will remain within the zone, and 12.6% of the trips starting in the Central Zone will be to the Northwest Zone.

These estimates do not comport with the travel distribution assumptions in the Draft EIR. As noted in Section 4.15.3.1 of the Draft EIR, 82% of the project's truck trips would be to the west on one or more freeways. Presumably, a substantial portion of these trips would be destined for the Ports of Long Beach and Los Angeles, which would require travel outside the Central Zone. (See Draft EIR page 4.7-43.) As a result, the traffic distribution assumptions used in the TUMF Nexus Study are inconsistent with the traffic distribution assumed in the Draft EIR. This inconsistency means that the payment of TUMF, which are specifically allocated between

⁵ [http://www.wrcog.cog.ca.us/downloads/TUMFNexusStudy\(100210\).pdf](http://www.wrcog.cog.ca.us/downloads/TUMFNexusStudy(100210).pdf)

zones, as well as the backbone and secondary network, is inadequate to mitigate the significant traffic impacts of the project.

While Riverside agrees that fees should be paid into the TUMF mitigation program, these fees should not be relied upon to reduce significant traffic impacts to less than significant. Furthermore, given the number of significant and unavoidable traffic impacts resulting from the project, as additional mitigation, the applicant should be required to pay Western Riverside Council of Governments (“WRCOG”) for a reevaluation of the TUMF Nexus Study based upon the project’s changed land use designations/zoning on approximately 4,000 acres. This reevaluation would allow the County to re-prioritize transportation improvement to better mitigate the significant and unavoidable traffic impacts where mitigation was deemed infeasible.

Noise

Construction and operational noise/vibration associated with the Proposed Project have the potential to significantly affect Riverside’s Residents. Unwanted noise can interfere with our resident’s enjoyment of the community, interfere with their businesses, result in sleep deprivation, and if sufficiently loud, can result in hearing loss. Riverside would like to ensure that all noise impacts have been adequately analyzed and mitigated, and, therefore, provides the comments below.

1. Noise Significance Thresholds

a. The Draft EIR Fails to Analyze Whether the Proposed Project Would Conflict with Other Jurisdictions’ Noise Regulations

The Draft EIR includes a significance threshold which states that “Exposure of persons to or generation of noise levels in excess of standards established in the City of Moreno Valley General Plan, Moreno Valley Municipal Code, or *applicable standards of other agencies*.” (Emphasis added.) However, the associated text provides that “the applicable noise standards and guidelines governing the project are those specified previously in Sections 4.12.2.1 through 4.12.2.4.” These referenced sections only include the City of Moreno Valley’s noise standards and fail to address any of the noise standards from other agencies, such as the City of Riverside. (See City of Riverside Municipal Code, Title 7;⁶ see also City of Riverside General Plan Noise Element.⁷) Section 4.12.6.2 of the Draft EIR acknowledges that there will be noise increases near sensitive receptor locations in the City of Riverside (e.g., see Canyon Crest Drive & Country Club Drive), the analysis, therefore, should have included a discussion of whether the project is consistent with those noise standards.

⁶ <http://riversideca.gov/municode/pdf/07/title-7.pdf>

⁷ http://www.riversideca.gov/planning/gp2025program/GP/11_Noise_Element.pdf

b. The Draft EIR Fails to Analyze Whether the Proposed Project's Traffic Noise Would Result in Sleep Disturbance and the Associated Physiological Effects and Annoyance

Roadway noise from truck and car trips was described as having a significant impact on sensitive receptors under the Community Noise Equivalent Level ("CNEL") metric. (See Draft EIR Section 4.12.6.2.) However, no noise analysis was provided to address whether this increase in nighttime noise level would result in sleep disturbance/deprivation or the associated physiological response/annoyance. (See *Berkeley Keep Jets Over the Bay v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344.) While the sleep disturbance analysis performed in *Berkeley Keep Jets* was related to aircraft noise, there is no reason to distinguish between the sources of the noise. While the original FICAN 1997 sleep awakening curve⁸ was based upon aircraft noise, subsequent methodologies acknowledge that transportation noise can result in sleep disturbance. The more recent ANSI S12.9-200/Part 6 (2008)⁹ sleep disturbance curve is based on 75 data points associated with awakening due to aircraft noise intrusions in bedrooms, and 16 data points for other transportation noise sources.

15

The Draft EIR's noise analysis provides no explanation why these late night truck/car trips would not disturb the sleep of sensitive receptors, despite the fact that the Draft EIR acknowledges that construction would occur 24 hours a day for nine years, and the project's operations would occur 24 hours a day. (Draft EIR page 4.12-32 and Appendix I, Figure 28.) The Draft EIR should be revised to provide an analysis which determines whether the project would have a significant impact related to sleep disturbance.

Air Quality

As the City is aware, the South Coast Air Basin is in "Extreme Nonattainment" for O₃ and "Serious Nonattainment" for PM₁₀ under Federal Standards and in Nonattainment under State Standards for Ozone, PM₁₀, PM_{2.5}, NO₂. (Draft EIR Table 4.3.C.) The Draft EIR concludes that the Proposed Project would have significant and unavoidable impacts to Air Quality and would be inconsistent with the Air Quality Management Plan. These significant impacts will result in health effects to the citizens of Riverside, including the potential to result in respiratory illnesses, pulmonary dysfunction, cardiovascular disease, and premature death. (Draft EIR page 4.3-7 through 12.) Consequently, Riverside would like to see the Project's air quality impacts mitigated to the greatest extent feasible, and offers the recommendations provided below.

16

⁸ See Federal Interagency Committee on Aviation Noise (FICAN), June 1997, Figure 1; available at: http://www.fican.org/pdf/Effects_AviationNoise_Sleep.pdf

⁹ American National Standards Institute, Quantities and Procedures for Description and Measurement of Environmental Sound—Part 6: Methods for Estimation of Awakenings Associated with Outdoor Noise Events Heard in Homes.

2. Construction and Operational Mitigation Measures

a. Mitigation Measure MM 4.3.6.3C Should be Revised to Provide Alternative Fueling Stations at Each Individual Warehouse, and Constructed Concurrently With the Project's Impacts

MM 4.3.6.3C requires the establishment of onsite alternative fueling infrastructure (electric charging stations and/or natural gas fueling), which purportedly will help facilitate the use of low emissions trucks. The alternative fueling facility, however, need only be developed prior to the issuance of building permits for 25 million square feet of logistics warehouse.

This mitigation measure should be revised to require both electric charging stations and natural gas fueling. Currently, the project applicant has discretion to determine whether electric charging stations and/or natural gas fueling should be included. The mandatory inclusion of both electric charging stations and natural gas fueling would more effectively facilitate the use of low emissions trucks because it would provide trucking companies with the option of using either electric or natural gas trucks, thereby reducing the project's significant air quality impacts.

The timing of the development and placement of the alternative fueling facility is problematic. MM 4.3.6.3C provides that the facility must be "in place prior to the issuance of building permits for more than 25 million total square feet of logistic warehousing within the WLC Specific Plan." This trigger would allow development of a substantial portion of the project prior to the placement of the alternative fuel facility, especially given the plan to develop the project site in phases. However, the project's air quality impacts would be significant immediately, as shown in Draft EIR Table 4.3.W. The mitigation measure should be revised to require construction of alternative fueling facilities prior to the issuance of the first certificate of occupancy for the site.

The inclusion of a single alternative fueling facility within the 3,814 acre site, as currently proposed, would be ineffective at providing alternative fuel for many of the on-site operators. The mitigation measure should be revised to require alternative fueling facilities for *each individual* warehouse facility. Given the long periods of time required to recharge electric vehicles, providing on-site facilities would further encourage alternative fuel vehicles, as it would allow vehicles to be recharged while the vehicles are being unloaded. Given the comments in this and previous paragraphs above, this mitigation measure should be revised as follows:

The 2012 Regional Transportation Plan includes a zero/near-zero emissions truck corridor along State Route 60. The WLC project shall provide for the establishment of onsite alternative fueling infrastructure (electric charging stations and/or natural gas fueling) for each individual logistics warehouse facility, which will help facilitate the use of these low-emitting trucks. An alternative fueling facility to serve the WLCSP will be in place and operational prior to the issuance of the first certificate of occupancy ~~building~~

~~permits for more than 25 million total square feet of logistics warehousing~~ within the WLC Specific Plan. This facility may be on or offsite, subject to review and approval by the City.

17

Similar revisions are recommended for Mitigation Measure 4.3.6.3D, which requires on-site sale of food, fuel, and convenience items.

b. Mitigation Measure 4.3.6.2A Should be Revised to Require Tier 4 Construction Equipment at the Start of Project Construction

MM 4.3.6.3A(a) states that “Prior to the year 2017, off-road diesel-powered construction equipment greater than 50 horsepower shall meet or exceed United States Environmental Protection Agency (EPA) Tier 3 off-road emissions standards.”

EPA Tier 4 emissions standards are currently being phased in between 2008 and 2015,¹⁰ and thus a mitigation measure requiring the use of Tier 4 equipment before 2017 is feasible and should be incorporated into MM 4.3.6.2A. We, therefore, recommend deletion of subsection (a), and revisions to subsection (b) as follows:

18

~~In the year 2017 and thereafter,~~All off-road diesel-powered construction equipment greater than 50 horsepower shall implement one of the following: meet EPA Tier 4 emissions standards, meet EPA Tier 4 Interim emissions standards, or meet EPA Tier 3 standards with California Air Resources Board verified Level 3 filters to reduce 85 percent diesel particulate matter. If a good faith effort to rent Tier 4 equipment within 200 miles of project has been conducted but has been unsuccessful, then Tier 3 equipment (without filters) can be used. Written verification of the Tier 4 equipment search of three or more rental companies shall be provided by the project applicant to the City verifying the results of the search prior to the use of Tier 3 construction equipment.

Incorporation of this revised mitigation measure would reduce the project’s significant air quality impacts which begin in the year 2013.

Biological Resources

Biological resources in the region are important to Riverside’s residents. Diverse biological resources are an essential part of a healthy ecosystem. Riverside is committed to working with the County and adjacent cities to preserve, protect, and enhance open space and natural resources. (City of Riverside General Plan Policy OS-1.3.) The City is also committed to promoting open space and recreation resources as a key reason to live in Riverside. (Id. Policy OS-1.9.) Protecting biological resources and diversity in the region is key to achieving these commitments. Biological resources in the region, including, for example, resources within or

19

¹⁰ <http://www.gpo.gov/fdsys/pkg/FR-2004-06-29/pdf/04-11293.pdf> (69 Fed. Reg. 38958 (June 29, 2004)).

reliant on the San Jacinto Wildlife area ("SJWA"), contribute to a natural aesthetic, and provide hunting, fishing, bird watching and recreation opportunities. The biological resources will be significantly compromised by the Proposed Project.

19

1. The DEIR Fails To Evaluate Potentially Significant Impacts to Birds that Will Result from Collisions

The DEIR fails to examine the project's impact to birds that would result from bird collisions with glass windows and reflective surfaces. The Specific Plan Design Guidelines indicate that onsite buildings will include [window] glazing, atriums, skylights and internal courtyards, thus ensuring that onsite development will include features known to pose hazards to birds. (Specific Plan Design Guidelines, Sec. 5.2.3.) While these are attractive design features, collisions with glass windows and other reflective building surfaces are a significant cause of bird mortality. Although bird mortality estimates vary widely, even at the low end of a published United States Fish and Wildlife Service ("USFWS") range the cumulative impact should be considered significant.¹¹ These estimates address bird mortality from building collisions on a national scale. The Draft EIR should be revised and recirculated to provide more information and analysis regarding bird collisions. Given the proximity to the SJWA (which "is recognized nationally and internationally for its bird population" DEIR p. 4.4-15), the Project's effects on bird collisions should not have been overlooked. In this revised analysis, particular attention should be paid to special status bird species, including species which meet the CEQA definition of endangered, rare or threatened. (See CEQA Guidelines §15380.) The proposed project's contribution to this cumulative impact should also be evaluated within an appropriate geographic scope, as described in greater detail below. The geographic scope of analysis for cumulative impacts to biological resources is inappropriately and arbitrarily restricted to the Multiple Species Habitat Conservation Plan ("MSHCP") area.

20

In addition to the Project itself, mitigation measure 4.12.6.2B, has the potential to result in significant bird mortality impacts. This measure, intended to reduce noise impacts at the closest residences within and adjacent to the WLCSP area, calls for removal of existing wrought iron fencing and replacement with a soundwall, specifically allowing that a glass barrier could be used to implement this measure.

Potential mitigation is available that would reduce this impact. Feasible mitigation for this impact includes requiring physical barriers that completely cover reflective surfaces and windows, uniform, patterned surface coverings, and potentially uniform coverings or

¹¹ USFWS estimates that building window strikes account for 97 to 976 million bird deaths each year. (<http://www.fws.gov/birds/mortality-fact-sheet.pdf>. See also Klem, D., Avian Mortality at Windows: The Second Largest Human Source of Bird Mortality on Earth, Proceedings of the Fourth International Partners in Flight Conference: Tundra to Tropics, pp. 244 – 251, also available from the USFWS at http://training.fws.gov/CSP/Resources/mig_birds/handouts/avian_mortality_at_windows.pdf).

embedded patterns that are visible to birds, but not humans. (See Avian Mortality at Windows, supra, pp. 246 – 247 for discussion of potentially feasible mitigation.)

2. The DEIR Fails to Explain Why Compliance with Applicable Regulations is Adequate to Ensure that Impacts Would Be Less Than Significant

The Draft EIR relies upon regulatory compliance in several instances to reduce impacts to less than significant. (Draft EIR page, 4.4-80.) A determination that regulatory compliance will provide adequate mitigation must be based on a project specific analysis of potential impacts and the effect of regulatory compliance. (*Californians for Alternatives to Toxics v. Dept. of Food and Agriculture* (2005) 136 Cal.App.4th 1.) The DEIR fails to provide this analysis in multiple instances. The following examples illustrate some of these failures, as well as other flaws in the analyses.

a. Nesting birds

Mitigation for impacts to birds addresses only impacts to nesting birds, but does not address non-special status birds and does not ensure compliance with the migratory bird treaty act. (Mitigation Measures 4.4.6.4A and 4.4.6.4B.) Mitigation measure 4.4.6.4A relies on compliance with the Migratory Bird Treaty Act (“MBTA”) and California Fish and Game code to reduce impacts to migratory and nesting birds to less than significant. However, the measure identifies circumstances under which no mitigation would be required, i.e., in the event “no special status avian species are identified within the limits of disturbance.” This exception means that compliance with California Fish and Game Code and the MBTA is not ensured. The exception should be eliminated. Fish and Game Code Section 3503 prohibits “needless” destruction of any nest, and the MBTA protects all migratory bird species, including relatively common species. Destruction of an active nest during nesting season could result in an unpermitted “take” under the MBTA. (See USFWS MBPM-2 (April 15, 2003) Migratory Bird Permit Memorandum.)

3. The Draft EIR Inadequately Addresses Air Quality Impacts on Wildlife

The DEIR indicates that diesel particulates and toxic air contaminants would have a significant effect on wildlife, and notes that diesel particulate deposition may occur within approximately 1,000 feet of truck activities within the project. (Draft EIR page 4.4-70.) The analysis concludes that the 250-foot setback and the California Department of Fish and Wildlife (“CDFW”) conservation buffer area will effectively mitigate potential indirect impacts of air pollutants, including diesel PM, on wildlife within the SJWA. This conclusion inappropriately attributes the entire CDFW conservation buffer area as mitigating the effects of diesel particulates on wildlife. However, as disclosed in (Draft EIR Section 4.4.1.5), wildlife will continue to use the CDFW conservation buffer area and thus the existence of a CDFW conservation buffer area, in and of itself, does not provide mitigation for this impact. In addition to the 250-foot development setback, additional mitigation should be considered, including restrictions on trucks and landscape plans that include trees or other vegetation to filter particulate matter. In

conjunction with the 250-foot setback, appropriate tree plantings (e.g., appropriate species, planting density) would help filter particulates that would otherwise disperse into the CDFW conservation buffer and the SJWA (in the absence of prevailing winds). Research conducted by UC Davis researchers indicates that the foliage characteristics of conifer species (needle shaped leaves, stickiness, and roughness) can effectively “capture” particulate matter. (<http://dn.engr.ucdavis.edu/images/AQMit-Report5.pdf>)

22

4. The Geographic Scope of the Cumulative Biological Resource Analysis is too Narrow

The geographic scope of analysis in Section 4.4.7 is inappropriately limited to the Western Riverside County MSHCP area. The project will affect a variety of biological resources that are not confined by the County’s boundaries, let alone the MSHCP area within the County. The analysis should be revised to take into account related effects on these resources within a more appropriately defined geographic scope. For example, habitat loss as a result of development in adjacent jurisdictions will contribute to cumulative impacts to wildlife movement, and impacts to sensitive species that are also affected by this project.

23

Greenhouse Gases and Climate Change

Greenhouse gas (GHG”) emissions have the potential to alter wind patterns, storms precipitation, and temperature. The secondary effects associated with GHG emissions have the potential to adversely affect Riverside’s water supply, wildfire hazards, food supply, biodiversity, air quality. (Draft EIR page 4.7-5.) Consequently, Riverside would like to see the Project’s climate change impacts mitigated to the greatest extent feasible, and offers the recommendations provided below.

24

1. The Draft EIR Should Incorporate Additional Mitigation Measures to Further Reduce the Project’s Significant and Unavoidable Impacts to Greenhouse Gases and Climate Change

The Draft EIR concludes impacts to Greenhouse Gas Emissions (“GHG”) and Climate Change would be significant and unavoidable. (Draft EIR Section 4.7.6.1 and 4.7.6.2.) Riverside believes additional feasible mitigation measures should be incorporated to further reduce this impact.

The transportation of potable water and the disposal of wastewater is a huge source of electricity demand, which the Draft EIR notes is a source of GHG emissions for the Proposed Project.¹² (Draft EIR Table 4.7.G) Therefore, to further reduce this significant impact, mitigation should be imposed requiring installation of waterless urinals in addition to low-flow fixtures provided under Mitigation Measure 4.16.1.6.1B rather than providing an option for installation of low water use urinals. The Proposed Project should also be required to install graywater systems for beneficial reuse of wastewater.

25

The Draft EIR also provides mitigation measures for “...solar ready building for possible PV facilities on project roofs.” The Proposed Project should be required to install electricity

¹² <http://www.epa.gov/region9/waterinfrastructure/waterenergy.html>

generating photovoltaic panels on the roofs and parking lots for these facilities as well as solar panels on roofs to provide hot water, rather than just making the project “solar ready.” Installation of PV panels in parking lots would also have the benefit of reducing radiation (heat) absorption, which is also a cause of climate change.¹³ Similarly, the project should be required to install low radiation absorption pavements (“Cool Pavements”) for the parking lots and other paved areas *with specific performance standards*.

The EPA notes that cool pavements would also have the added benefit of reducing aquatic wildlife impacts by reducing “thermal shock” of hotter runoff water and reducing “tire noise by two to eight decibels.” (*Id.*) While the project description notes that “light colored pavements” would be installed, no specific performance standards have been incorporated into mitigation measure 4.16.4.6.1A; this measure should be revised to provide minimum standards for cool pavement solar absorption.

The Project should also be required to install LED Lights in exterior and interior fixtures rather than relying upon the option of installing “*high pressure sodium or light-emitting diodes*” (Draft EIR page 4.1-74; see also Mitigation Measure 4.16.4.6.1B.) Numerous Cities have installed exterior LED lighting, and interior LED lighting is readily available at the consumer level.¹⁴ For example, the City of Los Angeles is currently replacing 140,000 streetlights with LED lighting.¹⁵

Given the large scale of the development, it is feasible for the developer to implement Ice Storage Air Conditioning (“ISAC”) systems. This is one of the measures suggested by the California Attorney General’s office,¹⁶ and which is being implemented in large projects such as Los Angeles World Airport’s Central Utility Plant which includes a 1.6 million gallon thermal-energy storage tank.¹⁷ ISAC systems would allow the Proposed Project to generate and store ice at night with off-peak electricity that would otherwise have gone to waste,¹⁸ thereby reducing peak hour electricity demand and its associated GHG and Air Quality emissions.

¹³ Climate Change is also caused by changes in ground cover which affect the absorption, scattering, and emission of radiation within the atmosphere and the Earth’s surface. See Intergovernmental Panel on Climate Change, Climate Change 2007: The Physical Science Basis, page 21.) The changes in ground cover associated with the Proposed Project were not taken into consideration in the Draft EIR’s Climate Change analysis. IPCC Report available at: http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4_wg1_full_report.pdf

¹⁴ <http://www.usa.philips.com/c/led-light-bulbs/30033/cat/en/>

¹⁵ <http://bsl.lacity.org/led.html>

¹⁶ http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf (See page 6.)

¹⁷ http://www.lawa.org/uploadedFiles/LAXDev/News_for_LAXDev/Fact%20Sheet%20-%20CUP%20Replacement.pdf

¹⁸ Many electrical generating facilities do not cease power generation during nighttime hours because of prolonged start up times. Consequently, use of off-peak electricity to generate stored air conditioning capacity allows the use of energy that may have otherwise gone to waste and precludes peak hour electricity demand, which, during summer heat waves, results in GHG and Air Quality emissions from Peaker Plants (quick start electrical facilities).

Mitigation Measure 4.16.4.6.1B should be revised to require installation of this technology, or to create a centralized thermal storage location to serve multiple warehouses.

25

Alternatives

1. The Draft EIR Uses Impermissible Factors in Determining the Environmentally Superior Alternative

One of the key factors in determining the environmentally superior alternative in the Draft EIR is whether the alternatives would “worsen [] the jobs/housing ratio” (Draft EIR page 6-44), this also happens to be one of the project objectives (Draft EIR page 6-3). While compliance with project objectives may be an appropriate ground for rejecting alternatives as infeasible, compliance with project objectives is inappropriate for determining the *environmentally* superior alternative. As discussed under CEQA Guidelines Section 15126.6(a), the purpose of the alternatives is to analyze alternatives which “avoid or substantially lessen any of the significant effects of the project,” and compliance with project objectives is not a significant impact on the environment. By including compliance with project objectives as a factor for determining the environmentally superior alternative, the alternatives comparison is artificially skewed in favor of alternatives that most closely resemble the proposed project. The determination of the environmentally superior alternative should be revised, eliminating all discussion of the ability to meet project objectives.

26

The Draft EIR should be revised and recirculated consistent with the comments above and the comments from Riverside’s Traffic Consultants Linscott, Law & Greenspan, Engineers. (Attachment 1.) Riverside looks forward to continued discussion and coordination with the City of Moreno Valley on this Project.

27

Very truly yours,



Steve Hayes, AICP
City Planner¹⁹

Attachments:

1. Additional Comments, on behalf of Riverside, from Linscott, Law & Greenspan, Engineers
2. Resumes of Linscott, Law & Greenspan, Engineers

¹⁹ This comment letter was also prepared with the assistance and expertise of Steve Libring (City of Riverside, Traffic Engineer), Keil Maberry (Linscott, Law & Greenspan, Engineers, Principal), Dan Kloos (Linscott, Law & Greenspan, Engineers, Senior Transportation Engineer), Kristi Smith (City of Riverside, Supervising Deputy City Attorney), and The Sohagi Law Group, PLC.

CC:

William "Rusty" Bailey, III Mayor

Riverside City Council Members

Scott Barber, City Manager

Deanna Lorson, Assistant City Manager

Kristi J. Smith, Supervising Deputy City Attorney

Steve Libring, City Traffic Engineer

Al Zelinka, Community Development Director

Juan Perez, Riverside County, Director of Transportation

Anne Mayer, Riverside County Transportation Commission, Executive Director

Basem Muallem, District Director, California Department of Transportation, District 8

RESPONSES TO LETTER E-2A

City of Riverside

Response to Comment E-2A-1. The commenter has accurately described the project examined in the DEIR. Subsequent to circulation of the Draft Environmental Impact Report (DEIR), 100 acres was removed from the World Logistics Center Specific Plan (WLCSP) site which also removes 1 million square feet of high-cube logistics development of the proposed project. The revised DEIR document evaluates the impacts of the revised project, which are generally equivalent to those of the project evaluated in the DEIR. These changes will incrementally reduce overall impacts of the WLC project.

Response to Comment E-2A-2. The commenter expressed concern about the potential for cut-through traffic in the City of Riverside, particularly truck trips on Alessandro Blvd. and Van Buren Blvd.

The effects of project traffic in the City of Riverside have been fully analyzed in the Traffic Impact Analysis (TIA) and DEIR and appropriate mitigation measures have been identified. The Riverside County Traffic Analysis Model (RivTAM) model is sensitive to congestion so traffic is assigned to City arterials depending on the level of congestion on alternate routes. As such, the assessment appropriately accounts for impacts associated with cut-through trips.

In addition, it bears noting that in traffic engineering the term “cut-through traffic” refers to through traffic using a road that was intended to provide access to adjacent properties, such as traffic through a residential neighborhood that neither originates from nor is destined to a home there. Alessandro Blvd. and Van Buren Blvd are arterial streets whose primary purpose is to serve through traffic. To the extent that project traffic uses these roads, the roads would simply be used for their intended purpose. The Riverside County Transportation Commission (RCTC), of which the City is a member agency, has an adopted policy to encourage traffic to use the arterial network rather than place additional burdens on the freeways. Thus to the extent that project traffic uses the roads for these purposes it would be in accordance with the regional policy. Moreover, the City of Riverside already has the authority to place truck restrictions on streets within their City if they believe cut-through truck traffic to be an issue.

Response to Comment E-2A-3. The commenter asserts that the DEIR uses incorrect and inconsistent growth assumptions and includes other inaccurate information as detailed in the attachment to the comment letter. The responses to the attachment are detailed in Response to Letter E-2B.

Response to Comment E-2A-4. The commenter notes the TIA included use of a 2% per annum assumed growth rate for background traffic. The commenter asserts that the TIA’s use of the simple (i.e. not compounded) 2% growth rate understates traffic growth for 2017.

The TIA incorporated a 2% growth rate in traffic *in addition to* a separate incorporation of growth due to other known and foreseeable projects. Either of these growth assumptions would have been sufficient for the traffic analysis; including both assumptions was a deliberate step to ensure that the background traffic volumes are not underestimated. As a result, the TIA provides an over-estimate of the growth of background traffic.

In addition, in the TIA the 2017 scenarios have been eliminated because the project’s construction schedule has been extended. The 2017 scenarios are no longer relevant to the analysis.

Response to Comment E-2A-5. It is the commenter’s opinion by analyzing the ambient peak hour rather than the peak hour for warehouses shown in DEIR Appendix L-1 TIA Figure 28 (now Figure 31

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

in 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.

The City agrees 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. 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-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.

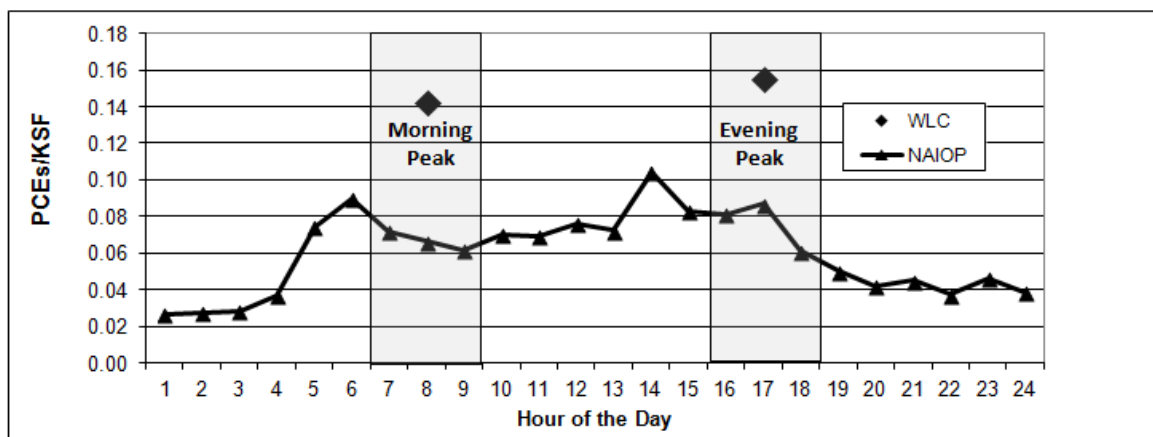


Exhibit E-2A-1: Time-of-Day Distribution, WLC Assumptions Compared to NAIOP

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.

Response to Comment E-2A-6. The commenter asserts that putting a ceiling value of 50 seconds on reported delay (i.e. values higher than that were reported as ">50") fails to disclose project impacts.

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

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

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.

Response to Comment E-2A-7. The commenter states that the TIA used an incorrect geographic scope in that the freeway analysis did not extend to the port and because certain sections of I-215 were not included in the analysis.

An additional section (Chapter 12, Section F) has been included in the TIA Final Environmental Impact Report (FEIR) Volume 2 Appendix L-1 that analyzes project impacts on freeways to the ports. The analysis found that less than 10% of WLC truck traffic would be to and from the ports. See Table E-2A-A in the revised TIA (FEIR Volume 2 Appendix L-1), repeated below.

Table E-2A.A: Percentage of WLC Trucks to or from the Port

Year	% of Warehouse Space Used for Port-Related Cargo	% of Truck Trips Going to and from the Ports
2012	5.00%	2.07%
2022	9.30%	3.86%
2035	16.30%	6.76%

No impacts were found that were not already covered in the TIA analysis. The segments of I-215 cited by the commenter were analyzed to determine if they met the threshold for further analysis. Tests using the Riverside County Traffic Analysis Model (RivTAM) model showed that this portion of I-215 did not meet the minimum threshold of 100 peak-hour trips and therefore it was not included for further analysis. This threshold was approved by the City of Moreno Valley based on Caltrans' guidelines. 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).

Response to Comment E-2A-8. The commenter states that the TIA failed to properly disclose the assumed future road improvements used in the cumulative analysis.

The TIA's assumptions regarding future roadway improvements are described in Chapter 2, Section A, the sub-section entitled "Network Assumptions." The assumptions were based on Southern California Association of Governments' (SCAG) approved Regional Transportation Plan (RTP) project lists, which include hundreds of projects, and which were included by reference. The document has been made available for public review.

Response to Comment E-2A-9. The commenter states that the DEIR failed to disclose the trip distribution assumptions and did not provide a map of truck routes. The commenter also states the analysis should take into account diversion of traffic away from congested routes.

The DEIR TIA in Appendix L-1 included Figure 25 (now Figure 28 FEIR Volume 2 Appendix L-1) and DEIR Appendix L-1 Figure 28 (now Figure 33 FEIR Volume 2 Appendix L-1) showing distribution of car and truck traffic, respectively. An additional figure (Figure 8) has been included in the TIA (FEIR Volume 2 Appendix L-1) showing the designated truck routes in and around Moreno Valley.

The TIA used the RivTAM model. The RivTAM model uses an iterative traffic assignment procedure whereby speeds and traffic volumes on each link are re-calculated several times with each new iteration taking into account any reductions in speed stemming from congestion in the previous

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

iteration. This is the accepted method for forecasting diversion of traffic due to congestion under future conditions.

Response to Comment E-2A-10. The commenter states the alternatives cannot be effectively evaluated because they do not provide enough information about traffic (trip generation and distribution) and do not show detailed impacts of each alternative on local streets, intersections, and freeways. The alternatives analysis in the DEIR did provide a comparison of trips generated by the various alternatives using the California Emissions Estimator Model (CalEEMod) air quality computer program developed by the South Coast Air Quality Management District (SCAQMD) which takes into account land uses such as those proposed in the proposed project as well as the project alternatives. The trip generation data provides an order of magnitude comparison of these “projects” at a programmatic level which is appropriate for the level of analysis in the DEIR. Table 6.G, DEIR page 6-19, indicates higher Average Vehicle Trips per Day (ADTs) for most of the alternatives. There is no requirement for a traffic study to be prepared for each alternative, or to provide detailed road or intersection impact data for each jurisdiction affected by project traffic, especially when such traffic would likely be much less than that estimated for the proposed project. California Environmental Quality Act (CEQA) specifically indicates the level of analysis for alternatives does not need to be at the same level as for the proposed project (State CEQA Guidelines Section 15168). Such detailed information is not necessary to be able to qualitatively compare the potential environmental impacts of the alternatives compared to the proposed project, including potential traffic impacts.

Response to Comment E-2A-11. The commenter questions why many of the mitigation measures identified in the TIA were deemed to be “infeasible”, and requests that a concise list of mitigation measures be provided.

The mitigation measures were identified according to the City of Moreno Valley *Traffic Analysis Guidelines* and are fully described in Chapter 11 of the TIA. Improvements were deemed to be infeasible if they would (1) require the acquisition of existing homes or businesses; (2) result in excessive air, noise, or vibration impacts on existing homes, businesses, or sensitive natural environments, or (3) create safety impacts that could be considered less acceptable than a reduced traffic LOS. In cases where feasibility is uncertain the recommended improvement was treated as feasible in order to produce a conservative estimate of project responsibilities so the project’s responsibilities would not be under-estimated.

Concise lists of mitigation measures were provided in TIA Tables 76 through 81 (renumbered as Tables 72 through 77 in the revised TIA contained in FEIR Volume 2 Appendix L-1) as well as text descriptions. The feasibility of each required measure was double-checked and a determination made based on the factors described above.

Response to Comment E-2A-12. The commenter questions the use of Transportation Uniform Mitigation Fee (TUMF) as a mitigation measure for cumulative impacts on TUMF-eligible facilities. The commenter describes the formula used to distribute TUMF funds and states that this formula is inappropriate for a project intended to serve the ports.

The comment is based on the incorrect premise that a high percentage of WLC traffic would be to and from the ports. An additional section (Chapter 12, Section F) has been included in the TIA that analyzes project truck traffic to the ports. The analysis found that only a small percentage of WLC truck traffic would be to and from the ports. See Table E-2A.B in the revised TIA (FEIR Volume 2 Appendix L-1), repeated below. This is based on SCAG survey data.

Table E-2A.B: Percentage of WLC Trucks to or from the Port

Year	% of Warehouse Space Used for Port-Related Cargo	% of Truck Trips Going to and from the Ports
2012	5.00%	2.07%
2022	9.30%	3.86%
2035	16.30%	6.76%

No impacts were found that were not already covered in the TIA analysis.

The TUMF Program was established as the mechanism for mitigating inter-jurisdictional impacts of development projects in western Riverside County. Regarding the distribution formula for TUMF funds, the City of Riverside freely agreed to this formula when they became a partner in the TUMF program. Any changes to the formula would have to come from the County and the partner Cities; a private entity cannot make changes to an approved multi-agency program. Please note the City of Moreno Valley has also committed itself to work with the City of Riverside to implement the mitigation measures that are not part of the TUMF program as described in Mitigation Measure (MM) Trans-5, Chapter 11, Section G of the TIA (FEIR Volume 2 Appendix L-1).

Response to Comment E-2A-13. This is a general comment on “construction and operational noise/vibration.” The noise analysis contained in the EIR analyzes construction and operational noise and vibration impacts. Potential impacts are identified and mitigated when feasible.

Response to Comment E-2A-14. Due to the distance of the City of Riverside from the project site, the only potential noise impact to areas of Riverside would be from traffic generated by the project. The commenter raises the concern of whether the City’s noise standards were addressed and specifically cites Riverside Municipal Code, Title 7 and also the Riverside General Plan Noise Element. The Municipal Code, Title 7, commonly referred to as the Noise Ordinance, has no relevance to project traffic passing through the city. The Noise Ordinance is designed to limit noise generated on one private-property parcel impacting a nearby parcel. The City has no jurisdiction for limiting noise on public roadways and therefore, the City of Riverside Noise Ordinance has no relevance to the project. The City of Riverside Noise Element was also reviewed; however, the Noise Element does not contain any specific standards or requirements for traffic noise on public roadways. The analysis used a City of Moreno Valley noise standard of 65 CNEL for residential development. The City of Riverside does present a Noise/Land Use Noise Compatibility Criteria matrix (Figure N-10 of the Element). This matrix, which is not a standard, but rather a guideline, shows noise levels above 65 CNEL as “normally unacceptable” for single family residential uses. In conclusion, the City of Riverside does not have any standards that relate directly to the project related impacts. The analysis has been conducted using significance thresholds which are consistent with guidelines contained in the City of Riverside Noise Element.

Response to Comment E-2A-15. As the commenter noted, the Berkeley case related to sleep disturbance caused by aircraft noise. Aircraft noise at night occurs less frequently but has a much higher peak noise level than does truck noise. Truck traffic events generally occur more frequently and are much quieter than aircraft noise events. For Berkeley, the only aircraft noise was associated with the Oakland International Airport. For this project there is already truck traffic occurring on all of the public roadways involved, so this is not a new source of noise or a unique source of noise. As stated in the comment, the FICAN²² curve is based on aircraft noise, not truck noise. Its relevance to

²² The Federal Interagency Committee on Aviation Noise (FICAN) 1997 curve “represents the upper limit of the observed field data, and should be interpreted as predicting the “maximum percent of the exposed population expected to be

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

this project is questionable. Additionally, the FICAN curves present the percentage of sleep disturbance that occur with an aircraft noise event of a given loudness. Since trucks are already traveling on the public roadways, the FICAN curves are useless because the noise levels that will occur with a truck pass-by and cause a single noise event will not change from what is already occurring.

Response to Comment E-2A-16. The City of Riverside summarizes the findings in the DEIR. Refer to the revised air quality analysis; the construction and operational emissions have been revised. Please refer to Master Responses in Response to Comment Letter C-3.

The City of Riverside would like to see the Project's air quality impacts mitigated. Please see the FEIR Mitigation Monitoring Reporting Program for a list of the project's mitigation measures. Refer to the response to comments that follow.

Response to Comment E-2A-17. The City of Riverside suggests the following mitigation measure.

Suggested Mitigation Measure	Response
MM 4.3.6.3C should be revised to provide alternative fueling stations at each individual warehouse and constructed concurrently with the buildings.	Partially Included. The alternative fueling station will be added in Phase 1; however, there is not anticipated to be enough demand to necessitate alternative fueling stations at each building. However, MM 4.3.6.4A requires electric charging at each building. The developer will work with an alternative fuel provider and will install the station in as soon as they determine it is feasible, but no later than end of Phase 1.

Response to Comment E-2A-18. The City of Riverside suggests the following mitigation measure.

Suggested Mitigation Measure	Response
MM 4.3.6.2A should be revised to require Tier 4 construction equipment at the start of project construction.	Partially Included. MM 4.3.6.2A has been refined to require that the project use Tier 4 construction equipment.

Response to Comment E-2A-19. The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) was designed to consolidate areas of the Western Riverside County into core conservation areas where a viable community of all wildlife and plants, including sensitive species, could exist in a "natural" environment. As a result of this process multiple area were designated as targets for conservation through the establishment of 160-acre Criteria Cells in a variety of habitats. This was done to protect the 147 sensitive species covered under the MSHCP. It also provides coverage for numerous other species.

Not all lands were selected to be a part of the core conservation areas and not all lands are contained within criteria cells, but all lands developed in western Riverside County are subject to MSHCP requirements, generally through development fees. The World Logistics Center Specific Plan (WLCSP) lands, in general, were not selected for conservation, but rather are subject to the development fees. The project proponent has acknowledged those obligations and the funds derived from the MSHCP fees will be utilized to acquire lands designated for conservation.

behaviorally awakened", or the "maximum % awakened" for a given residential population." http://www.fican.org/pdf/Effects_AviationNoise_Sleep.pdf

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Most of the WLCSP 2,610 acres is either agricultural (2,257 (see FEIR Volume 2 Appendix C-2, Agricultural Resources Assessment)); non-native grassland (219); urban developed (92); or disturbed (48). Conservation of these lands, while possible, would not contribute to the conservation efforts associated with the MSHCP. An updated Draft Habitat Assessment, MSHCP Consistency Analysis and HANS Review (FCS-MBA 2013 FEIR Volume 2 Appendix E-1) (hereafter MSHCP Consistency Analysis) was prepared to document current site conditions and evaluate the loss of biological resources based on CEQA and MSHCP requirements.

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 to Comment E-2A-21. The following mitigation measure is in place with regard to the protection of nesting birds as regulated by the Migratory Bird Treaty Act and California Fish and Game Code (Section 3503 and Section 3511). A more detailed description of these regulations can be found on Page 2 of Appendix G within the Habitat Assessment and MSHCP Consistency Analysis (FCS 2013 FEIR Volume 2 Appendix E-1).

In addition, MM 4.4.6.4A and revised 4.4.6.4B of the DEIR expand on the BIO-1 measure in the MSHCP Consistency Report. These two DEIR measures state:

4.4.6.4A Pursuant to the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (CFGF), site preparation activities (removal of trees and vegetation) shall be avoided during the nesting season of potentially occurring native and migratory bird species (generally February 1 to August 31). If site preparation activities must occur during the nesting season, a pre-activity field survey shall be conducted by a qualified biologist prior to issuance of grading permits for such development. The survey shall determine if active nests of species protected by the ~~MBTA~~Migratory Bird Treaty Act or ~~CFGF~~California Fish and Game Code are present in the construction zone. If active nests of these species are found, the developer shall establish an appropriate buffer zone with no grading or heavy equipment activity within of 500 feet from an active listed species or raptor nest, 300 feet from other sensitive or protected bird nests (non-listed), 250 feet from passerine birds, or 100 feet for sensitive or protected songbird nests. All construction activity within the vicinity of active nests must be conducted in the presence of a qualified biological monitor. Construction activity may encroach into the buffer area at the discretion of the biological monitor in consultation with CDFW. In the event no special status avian species are identified within the limits of disturbance, no further mitigation is required. In the event such species are identified within the limits of ground disturbance, ~~Mitigation Measure~~mitigation measure 4.4.6.4B shall also apply. This measure shall be implemented to the satisfaction of the City Planning Division.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- 4.4.6.4B** If it is determined that project-related grading or construction will affect nesting ~~special-status-avian~~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 to Comment E-2A-22. See Response to Comment G-69-2.

Response to Comment E-2A-23. The geographic scope of analysis in the EIR was not specifically associated with the MSHCP area or limited by the County boundaries. In fact, the MSHCP area contains a far greater area than the area affected by the WLCSP. The Badlands Area to the north and east of the WLCSP provides a significant physical barrier that provides a distinct geographic boundary that limits both direct and indirect project related impacts to areas further east. In addition, the existing residential development to the west also provides a significant barrier to both direct and indirect project related impacts to areas further west. Mount Russell provides a physical barrier along a portion of the southern WLCSP boundary. The rest of the southern boundary is adjacent to extensive agricultural lands extending up to 4,500 linear feet south of the WLCSP boundary. This is a sufficient distance that no direct or indirect impacts will affect habitat beyond the 4,500-linear foot area. It is for this reason that the area assessed within the DEIR is reasonable and sufficient to determine project related direct, indirect, and cumulative impacts.

Habitat loss as a result of the proposed development is not anticipated to occur within adjacent jurisdictions and therefore will not contribute to cumulative impacts to wildlife movement and sensitive plant and wildlife species. will be mitigated through The following mitigation measures are required under the City of Moreno Valley's General Plan to reduce project-related impacts to a level less than significant:

1. Private development projects within the City shall comply with the Long-term HCP for the Stephens' Kangaroo Rat (see DEIR Section 4.4.6.2a)
2. Private development projects shall comply with the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) (DEIR Section 4.4.6.2b) and the associated state and federal permits (MMs 4.4.6.3A and 4.4.6.3B).
3. Where feasible, projects shall be designed to minimize impacts on sensitive habitat (MMs 4.4.6.2A and 4.4.6.2B).
4. Prior to physical disturbance of any natural drainage course or wetland determined to contain riparian vegetation or otherwise qualify as a "jurisdictional" wetland or Non-wetland Water of the U.S., the applicant shall obtain a Streambed Alteration Agreement and/or permit, or written waiver of the requirement for such an agreement or permit, from all resource agencies with jurisdiction over such areas California Department of Fish and Game and U.S. Army Corps of Engineers (CDFG and ACOE) (MMs 4.4.6.3A and 4.4.6.3B).

Response to Comment E-2A-24. The City of Riverside would like to see more greenhouse gas mitigation measures incorporated, as discussed in the comments that follow and as shown in the following mitigation measure.

- 4.16.1.6.1B** ~~Prior to issuance of any building permit for development within the WLCSP, the developer~~ All buildings shall submit building plans that demonstrate the project has include water-efficient design features outlined in Section 4.0 of the WLCSP including World Logistics Center Specific Plan. This measure shall be implemented to the satisfaction of the Land Development Division/Public Works. These design features

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

shall include, but not be limited to the following:

- Instantaneous (flash) or solar water heaters;
- Automatic on and off water facets;
- Water-efficient appliances;
- Low-flow fittings, fixtures and equipment;
- Use of high efficiency toilets (1.28 gallons per flush [gpf] or less);
- Use of waterless or very low water use urinals (0.0 gpf to 0.25 gpf);
- Use of self-closing valves for drinking fountains;
- Infrared sensors on drinking fountains, sinks, toilets and urinals;
- Low-flow showerheads;
- Water-efficient ice machines, dishwashers, clothes washers, and other water-using appliances;
- Cooling tower recirculating system where applicable;
- Provide information to the public in conspicuous places regarding indoor water conservation; and
- Use of reclaimed water for wash down if it becomes available.

Response to Comment E-2A-25. The City of Riverside suggests the following mitigation measures.

Suggested Mitigation Measure	Response
Require the installation of waterless urinals in addition to low-flow fixtures provided under MM 4.16.1.6.1B rather than providing an option for installation of low water urinals.	<p>Incorporated. MM 4.16.1.6.1B has been edited to require waterless urinals as follows:</p> <p>4.16.1.6.1B Prior to issuance of any building permit for development within the WLCSP, the developer All buildings shall submit building plans that demonstrate the project has include water-efficient design features outlined in Section 4.0 of the WLCSP including World Logistics Center Specific Plan. <u>This measure shall be implemented to the satisfaction of the Land Development Division/Public Works. These design features shall include, but not be limited to the following:</u></p> <ul style="list-style-type: none"> • Instantaneous (flash) or solar water heaters; • Automatic on and off water facets; • Water-efficient appliances; • Low-flow fittings, fixtures and equipment; • Use of high efficiency toilets (1.28 gallons per flush [gpf] or less); • Use of waterless or very low water use urinals (0.0 gpf to 0.25 gpf);

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
	<ul style="list-style-type: none"> • Use of self-closing valves for drinking fountains; • Infrared sensors on drinking fountains, sinks, toilets and urinals; • Low-flow showerheads; • Water-efficient ice machines, dishwashers, clothes washers, and other water-using appliances; • Cooling tower recirculating system where applicable; • Provide information to the public in conspicuous places regarding indoor water conservation; and • Use of reclaimed water for wash down if it becomes available.
Install graywater systems for reuse of wastewater.	Not Incorporated. The project would only use minimal indoor water usage. Graywater would not be feasible for the types of water usage anticipated for the project. In addition, the Eastern Municipal Water District (EMWD) and the County Health Department prohibit graywater discharge from industrial uses.
Install electricity generating photovoltaic panels on roofs.	Incorporated. The project is incorporating solar as MM 4.16.4.6.1C.
Install photovoltaic panels on parking lots, which would also reduce heat absorption.	Not Incorporated. The project is now proposing to install roof-mounted PV (see MM 4.16.4.6.1C) As a result, requiring the installation of PV on parking lots is unnecessary. In addition, the project would use cool pavements in all areas feasible (see MM 4.16.4.6.1A).
The project should install solar hot water heaters.	Already Included. Instantaneous or solar water heaters are required as part of MM 4.16.1.6.1B.
The project should install low radiation absorption pavements (cool pavements) for the parking lots and other paved areas with specific performance standards. (Revise MM 4.16.4.6.1A)	Partially Included. Cool pavements would be used throughout the project where feasible (see MM 4.16.4.6.1A). However, there are currently no specific performance standards for cool pavements; therefore, it is not feasible to specify standards. Source: U.S. Environmental Protection Agency. Reducing Urban Heat Islands: Compendium of Strategies, Cool Pavements. Website: www.epa.gov/hiri/resources/pdf/CoolPavesCompendium.pdf . Accessed November 11, 2013.
The project should install LED lights in exterior and interior fixtures rather than relying upon the option of installing “high pressure sodium or light-emitting diodes” (DEIR page 4.1-74 and MM 4.16.4.6.1B).	Incorporated. MM 4.16.4.6.1B has been revised to include this suggestion.
Implement Ice Storage Air Conditioning (ISAC) systems to generate and store ice at night with off-peak electricity. Alternatively, create a centralized thermal storage location to serve multiple warehouses. (Revise MM 4.16.4.6.1B)	Not Included. It is understood that co-generation is widely used on large campus single owner parcels to distribute power and provide heating and cooling opportunities for all buildings. This option has been reviewed during the DEIR process and while it may also be used on similar projects outside of California, currently the state does not allow private cogeneration systems such as this to cross Public right of way to serve individual property owners (California Public Utilities

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
	<p>Code (CPUC) Section 218).</p> <p>The CPUC self-generation incentive program is available for all future buildings in the WLC if the gas company continues to offer it. It cannot be guaranteed at this stage of development. The appropriate means of conserving natural resources such as natural gas will be determined when a project specific plot plan is processed and details of the specific building proposals are known.</p> <p>With regard to ice storage air conditioning (ISAC) systems specifically, the proposed mitigation is unnecessary. The goal of ISAC systems is to reduce afternoon peak demand from the electrical grid by shifting electrical demand to the late evening hours when electrical demand drops significantly. However, as part of the MM 4.16.4.6.1C, a roof-based photovoltaic solar system will be deployed for each building to meet the electrical demand for office use. Since the office is the only portion of the warehouse that will be equipped with air-conditioning, the solar panels will provide all the necessary power for air conditioning, eliminating the need to shift the load. In addition, as described in Section 4.7 Greenhouse Gases and Master Response-1, there is no significant impact with regard to GHG that require further mitigation.</p>

Response to Comment E-2-26. The issue of jobs/housing balance was looked at in two ways for the alternatives analysis, because this is a critical focus of Western Riverside Council of Governments (WRCOG) and SCAG to encourage jobs in housing rich areas and housing in jobs rich areas to ultimately result in a better balance of commuter traffic and less congestion on area roadways. It is reasonable to look at a project's influence on local and regional jobs/housing balance, especially for large projects that may introduce thousands of new homes or jobs into a community. Certainly an important project objective is to create new jobs for the City of Moreno Valley and surrounding areas, but one major reason is that local workers now have to commute long distances because Moreno Valley is a housing rich/jobs poor area. The WLC project has the potential to substantially improve the City's jobs/housing ratio which is a City as well as a regional goal. Therefore, it is one appropriate environmental "yardstick" against which to measure the project as part of the alternatives analysis.

Response to Comment E-2-27. The City evaluated the many comments received on the DEIR. This FEIR provides additional information, mainly in the form of responding to the many questions and comments received on the DEIR. However, the changes to the DEIR included do not constitute "significant" new information because:

1. No new significant environmental impact would result from the project or from a new mitigation measure;
2. There is no substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted that reduce the identified significant impacts to a level of insignificance;
3. No feasible project alternative or mitigation measure considerably different from others previously analyzed has been proposed or identified that would clearly lessen the significant environmental impacts of the project; and
4. The DEIR is not fundamentally or basically inadequate or conclusory in nature such that meaningful public review and comment were precluded.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Therefore, this additional information does not rise to the level of significant new information, nor does it identify any new or substantially different significant environmental impacts from those identified in the DEIR.

Letter E-2B: City of Riverside (April 8, 2013) and Appendix 1 (On Flash Drive)

Attachment 1

MEMORANDUM

To:	Mr. Steve Hayes City of Riverside	Date:	April 7, 2013
From:	Keil D. Maberry, P.E. <i>KDM</i> Daniel A. Kloos, P.E. <i>DAK</i> LLG Engineers	LLG Ref:	2.13.3364.1
Subject:	TIA Peer Review The World Logistics Center Traffic Study, Moreno Valley		

As requested, Linscott, Law & Greenspan, Engineers (LLG) is pleased to provide our peer review comments on *The World Logistics Center Traffic Impact Analysis Report*, prepared by Parsons Brinckerhoff, dated January 2013. As we understand it, The World Logistics Center Project is a plan for the development of modern high-cube logistics warehouse distribution facilities on approximately 3,814 acres of land in the City of Moreno Valley, California. The following summarizes our comments on the traffic study for your consideration.

General Comment

As it relates to the potential traffic impact of the proposed World Logistics Center on the City of Riverside, it is our finding that the traffic impacts primarily consist of two components; 1) employment-based traffic [approximately 25,000 potential auto trips per day (round trips) through the City via the freeway and arterial network] that will utilize the arterial network through the City of Riverside, and 2) truck-based traffic [approximately 12,000 truck trips per day (round trips)] that will utilize the adjacent SR-91/I-215 Freeway through the City of Riverside. As a result, it is imperative that the traffic impact analysis for WLC adequately analyze and provide tangible mitigation measures that will provide corridor-wide benefits for both employees and trucks.

Inadequate Transportation Assumptions

- It is not clear how and when the traffic analysis considered the Mid County Parkway project as a future transportation improvement.
- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Figure 3 on Page 6 – Cumulative Projects. From review of this figure, the traffic study did not include Glass Ranch Center in the cumulative background traffic setting. Glass Ranch Center is a 420,000 square foot (SF) shopping center located on the southwest quadrant of Van Buren Boulevard and Barton Street in the City of Riverside. Glass Ranch Center is forecast to generate approximately 12,945 daily trips, 325 AM peak hour trips and 1,231 PM peak hour trips. This project is anticipated to generate more than 50 project trips during the PM peak hour at several intersections that are also key study intersections analyzed for The World Logistics Center Project. These common key study intersections include the following City of Riverside locations:

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2

3

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Paul W. Wilkinson, PE
John P. Keating, PE
David S. Shender, PE
John A. Boarman, PE
Clare M. Look-Jaeger, PE
Richard E. Barretto, PE
Keil D. Maberry, PE

- No. 79 – Trautwein Road at Alessandro Boulevard
- No. 95 – Alessandro Boulevard at Arlington Avenue/Chicago Avenue
- No. 96 – Alessandro Boulevard at Century Avenue
- No. 97 – Alessandro Boulevard at Via Vista Drive
- No. 98 – Alessandro Boulevard at Canyon Crest Drive

Failing to include Gless Ranch Center in the cumulative background setting may understate the impacts of The World Logistics Center Project. An explanation as to why this cumulative project was not included.

- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Tables 1, 2 and 3 on Pages 7-9 – Cumulative Projects. Cumulative Project numbers 10, 14, 15, 23 and 81 are missing from the tables. However, some of these numbers are shown in Figure 3 (i.e. #14 and #15). Please clarify.
- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Page 10 – Roadway Network Assumptions. Please clarify whether or not the “financially constrained project list improvements” are fully funded. The TIA should also 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).
- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Page 27 – Traffic Counts. A quick comparison of the existing traffic count data for the intersection of Alessandro Boulevard at Arlington Avenue/Chicago Avenue indicates that the traffic counts utilized in The World Logistics Center are significantly lower for this location than what was utilized in the Gless Ranch Center TIA. As shown in Table 1, the total intersection AM peak hour volumes and PM peak hour volumes utilized in the World Logistics Center TIA for this location are approximately 5% lower in the AM peak hour and 20% lower in the PM peak hour than the volumes utilized in the Gless Ranch Center TIA.

TABLE 1
TRAFFIC COUNT COMPARISON

Key Study Intersection: Alessandro Boulevard at Arlington Avenue/Chicago Avenue				
Movements	AM Peak Hour		PM Peak Hour	
	Dec. 2011 WLC TIA	Nov. 2010 Gless Ranch TIA	Dec. 2011 WLC TIA	Nov. 2010 Gless Ranch TIA
NBL	1,153	1,414	608	1,066
NBT	1,566	1,559	748	872
NBR	435	276	158	156
SBL	178	213	386	546
SBT	428	421	1,467	1,462
SBR	22	34	24	14
EBL	35	41	33	26
EBT	449	592	566	855
EBR	575	675	1,022	1,037
WBL	118	107	467	593
WBT	567	582	663	775
WBR	229	186	311	306
Total	5,755	6,100	6,453	7,708

- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Page 78, Table 24. More detail needs to be provided in Table 24 so the Phase I and Phase II project trip generations can be verified. It is not clear as to how the PCE factors were applied to each proposed project land use (Phase I or Phase II).
- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Pages 79 and 81 – Project Trip Distribution. Figures should be added to the report showing the detailed project trip distribution patterns for passenger cars and trucks. These figures need to be provided so the project assignment to the key study intersections and/or freeway segments can be verified.
- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Pages 277-279, Figure 35. Comparing the lane geometrics assumed in the Year 2035 No-Project traffic condition to existing traffic conditions indicates that

intersection improvements have been assumed to be completed by the Year 2035 at the following City of Riverside locations.

- Arlington Avenue at Horace Street (#93) – A 3rd eastbound and 3rd westbound through lane has been included at this location. Only two eastbound and two westbound through lanes currently exist at this location.
- Arlington Avenue at Victoria Avenue (#94) – A 3rd eastbound and 3rd westbound through lane has been included at this location. Only two eastbound and two westbound through lanes currently exist at this location.
- Alessandro Boulevard at Chicago Avenue (#95) – A 3rd eastbound through lane has been included at this location. Only two eastbound through lanes currently exist at this location.

The traffic study needs to be revised accordingly to clearly indicate the funding source for these improvements. Only improvements that are fully funded should be considered and utilized.

- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Pages 310-312, Figure 36. Comparing the lane geometrics assumed in the Year 2035 Plus-Project traffic condition to existing traffic conditions indicates that intersection improvements have been assumed to be completed by the Year 2035 at the following City of Riverside locations.

- Arlington Avenue at Horace Street (#93) – A 3rd eastbound and 3rd westbound through lane has been included at this location. Only two eastbound and two westbound through lanes currently exist at this location.
- Arlington Avenue at Victoria Avenue (#94) – A 3rd eastbound and 3rd westbound through lane has been included at this location. Only two eastbound and two westbound through lanes currently exist at this location.
- Alessandro Boulevard at Chicago Avenue (#95) – A 3rd eastbound through lane has been included at this location. Only two eastbound through lanes currently exist at this location.

The traffic study needs to be revised accordingly to clearly indicate the funding source for these improvements. Only improvements that are fully funded should be considered and utilized.

- 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. Furthermore, since it is likely that east-west traffic will be diverted from the SR-60/I-215 onto parallel arterials in the City of Riverside, it is recommended that

Martin Luther King Boulevard and Van Buren Boulevard be included in the ADT analysis. 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. In addition, given that 86.3% of the project's traffic generation occurs outside the typical AM and PM peak hours and has not been analyzed in combination with the fact that the project will be the single largest trip generator in the City of Moreno Valley, it is recommended that the *Peak Hour of Generator* also be analyzed.

13

Inadequate Geographic Scope

- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Page 2, Footnote #1. The report states that very little traffic associated with the proposed Project would utilize the section of the I-215 Freeway between the SR-60 Freeway and Perris Boulevard because of freeway congestion. The report also states that due to this congestion that project traffic will utilize surface street routes. The TIA needs to state how many project trips may utilize this section of freeway, so an appropriate fair-share contribution can be calculated and contributed by the World Logistics Center Project for future improvements.
- Given the forecast auto traffic volume that will traverse through the City of Riverside and surrounding communities, combined with the proposed Cajalco Road Improvement Project that will attract east-west regional traffic, Cajalco Road should be included in the analysis. Should the analysis reveal significant traffic impacts, appropriate mitigation measures should be identified.

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Inadequate Mitigation Measures

- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Section 12 Mitigation Measures - It is not clear why the mitigation measures for the cumulative condition only recognizes the Year 2035 condition and not the Year 2017 and Year 2022 cumulative conditions. This may reduce the potential mitigation measures that would be recommended if the interim year condition(s) can be mitigated, but not the Year 2035 condition.
- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Tables 77 - The recommended mitigation measure for Intersection No. 95 (Alessandro Boulevard at Arlington Avenue/Chicago Avenue) is feasible. The EBR turn lane can be physically accommodated without significantly affecting any residential property. In addition, there are alternate feasible mitigation measures that could be considered, such as a 3rd Northbound Left ("NBL") and/or a 3rd Westbound Left ("WBL").

16

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- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013) - The mitigation measures identified in Table 80 for Intersections Nos. 94 and 95 do not match the recommended mitigation measures in Table 69. 18
- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Table 80 - While implementation of all recommended mitigation measure for Intersection No. 95 (Alessandro Boulevard at Arlington Avenue/Chicago Avenue) may not be feasible, there are additional feasible mitigation measures that could be considered, such as a 3rd NBL, 3rd WBL or 3rd Westbound Through (“WBT”) and 3rd Eastbound Through (“EBT”) or 3rd Eastbound Right (“EBR”). These improvements may mitigate the Year 2017 and/or Year 2022 condition. 19
- Fundamentally, the addition of approximately 12,000 truck trips (not PCE trips) per day to the I-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. 20
- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Table 78 – Direct Impacts to Freeways and Mitigation: Freeway segment Nos. F-24, F-27, F-42, W-21, W-22, W23, and W-25, which are identified as not feasible, are feasible based on our review of existing conditions in the field. In addition, consideration should be given to the installation of ramp metering along the SR-60/I-215 Freeway corridor as freeway mitigation, which can provide significant benefit to the freeway mainline operation. 21
- Draft EIR Appendix I (Traffic Impact Analysis Report – January 2013): Table 81 – Direct Impacts to Freeways and Mitigation: Freeway segment Nos. F-19, F-46, F-42, F-49, W-21, W-22, and W-25 EB SR-60, which are identified as not feasible, are feasible based on our review of existing conditions in the field. In addition, consideration should be given to the installation of ramp metering along the SR-60/I-215 Freeway corridor as freeway mitigation, which can provide significant benefit to the freeway mainline operation. 22
- In light of the repeated infeasibility claims throughout the report regarding the addition of the recommended mitigation measure to provide a mixed-flow lane on the SR-60/I-215 and SR-91 Freeways, it is recommended that a mitigation measure be included that would require the Project to fund a Project Study Report (PSR) and Project Report (PR) through the Riverside County Transportation Commission (RCTC), with the City of Riverside included in the process, to develop an improvement project to add one mixed-flow lane and/or special truck lane in each direction on SR-60/I-215 Freeway between the I-15 Freeway and Gilman Springs Road as well as on the SR-91 Freeway between the SR-60/I-215 and the I-15 Freeway. 23

RESPONSES TO LETTER E-2B

City of Riverside

Response to Comment E-2B-1. The commenter asserts that the project would generate approximately 25,000 potential round-trip auto trips and 12,000 truck round trips per day through the City (of Riverside).

The commenter seems to claim that virtually all of the traffic generated by the World Logistics Center (WLC) will pass through the City of Riverside. This is incorrect. The Draft Environmental Impact Report (DEIR) Traffic Impact Analysis (TIA) in Appendix L-1 included Figure 25 (now Figure 28 FEIR Volume 2 Appendix L-1) showing that less than half of the project's car traffic would pass through the City of Riverside. A majority (not all as the commenter suggests) of project truck traffic will pass through the City of Riverside on the state-owned freeway system (not City of Riverside streets).

Response to Comment E-2B-2. The commenter says that the DEIR is not clear how and when the traffic analysis considered the Mid County Parkway project as a future transportation improvement.

As explained in the TIA, the analysis used the Southern California Association of Governments (SCAG) 2012 Regional Transportation Plan (RTP) as the basis for assumptions regarding future road projects. The assumptions regarding Mid-County Parkway follow the RTP's Federal Transportation Improvement Program (FTIP) (projects for which funding is expected to be available in the short term) listing for project RIV031218 which reads,

"IN WESTERN RIV CO – NEW MID CO PKWY: CONS 6 THRU LN (3 LNS IN EA DIR) APPROX 16 MI. BTWN I-215 IN PERRIS EAST TO SR79 IN SAN JACINTO, INC. CONS/RECONS OF APPROX 10 ICS, ADD OF AUX LN REDLANDS-EVANS & EB AUXILIARY LN EVANS-ANTELOPE. I-215 IMP: ADD 1 MF LN IN EA DIR NUEVO RD -VAN BUREN BLVD, & 1 AUX LN IN EA DIR MID CO PKWY-CAJALCO/RAMONA EXP & FROM MID CO PKWY-NUEVO."

RTP's FTIP available online at:

http://rtpscs.scag.ca.gov/Documents/2012/famendment/2012A01RTP_ModelList.pdf

Based on the SCAG 2012 RTP, the traffic analysis assumed the Mid County Parkway project would be completed by 2022.

Response to Comment E-2B-3. The commenter states that the DEIR failed to include Gless Ranch Center in the cumulative background traffic setting.

Tests with the Riverside County Traffic Analysis Model (RivTAM) traffic model found that there was very little project traffic in the vicinity of Gless Ranch Center, fewer than 20 project trips in the peak hours. Moreover, the land use assumptions used in the traffic analysis included both the land use developments and the 2012 RTP/SCS, and in addition more than 100 specifically identified projects in and around Moreno Valley. Although Gless Ranch was not explicitly input, 208 new jobs and 85 additional households were added to the Traffic Analysis Zone (TAZ) it is in, based on the approved land use assumptions in the 2012 Sustainable Communities Strategy (SCS). An additional 216 new jobs and 83 new households were also added to the adjacent TAZ, which loads onto the same intersection as Gless Ranch (the Van Buren Blvd./Barton Rd. intersection). Therefore, the total traffic volumes used in the analysis are considered conservative and as a result, traffic impacts were not underestimated.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment E-2B-4. The commenter states that the DEIR Appendix I: Tables 1-3 does not list project numbers 10, 14, 15, 23, and 81. This is not consistent with Figure 3.

As part of our effort to keep the list of other projects updated as new information became available, certain projects that were identified were later dropped. This occurred, for example, if the project no longer appeared likely to go forward. Figure 3 in DEIR Appendix L-1 (now Figure 4 Final Environmental Impact Report (FEIR) Volume 2 Appendix L-1) has been revised to eliminate those projects.

Response to Comment E-2B-5. The commenter asks that the DEIR clarify whether the “financially constrained project list” is fully funded.

For the TIA study only the projects in the FTIP and the SCAG’s financially constrained project list were assumed to be implemented. A complete list of these projects can be found in SCAG’s 2012 RTP. The resources available to pursue these projects are based on a track record of funds available from various State, federal, and local sources and were approved by the regional funding agencies (SCAG and Western Riverside Council of Governments [WRCOG]) for use as a basis for planning. The projects in the Strategic Plan were not assumed because funding for those projects was considered to be too uncertain. Also, the proposed East-West Freight Corridor that was included in the financially constrained plan was not assumed to be implemented. This is because unlike the other projects which are based on funding mechanisms with a clear track record, the freight corridor is expected to be funded through a tolling mechanism that has not yet been established and whose future efficacy is unknown.

Response to Comment E-2B-6. The commenter states that traffic counts used for the analysis of Alessandro Blvd/Arlington Ave/Chicago Ave are lower than counts used for the Gless Ranch Center TIA.

Traffic varies on a daily basis within a predictable range at any given location. So it is quite possible, in fact probable, that traffic counts done for two different studies on two different days would be different. In any case, this intersection is considered operating at LOS “F” and therefore using different counts would not materially change the result of the analysis.

Response to Comment E-2B-7. The commenter asks that DEIR Appendix I Table 24 (*WLC Trips by Vehicle Type*) be revised to provide adequate detail on the trip generation of Phases I and II. He also states that it was unclear how PCE (passenger car equivalent) factors were applied.

Table 24 in the revised TIA provides data on trip generation by phase as requested. Detailed information on the use of PCEs is provided in the revised TIA, Chapter 2, Section A, in the subsection entitled “Passenger Car Equivalents.”

Response to Comment E-2B-8. The commenter states that the DEIR failed to disclose trip distribution information.

The TIA, an appendix of the DEIR, included Figure 25 (now Figure 28) and Figure 28 (now Figure 33) showing distribution of car and truck traffic, respectively. These figures were not included in the DEIR but they have been included in the FEIR. Also an additional figure (Figure 8) has been included showing the designated truck routes in and around Moreno Valley.

Response to Comment E-2B-9. The commenter states that the DEIR failed to clearly indicate the funding sources for improvements assumed in the No Project scenario for 2035 for Intersections 93, 94, and 95 in 2035.

For the TIA study only the projects in the FTIP and the SCAG’s financially constrained project list were assumed to be implemented. A complete list of these projects can be found in SCAG’s 2012

RTP. The resources available to pursue these projects are based on a track record of funds available from various State, federal, and local sources and were approved by the regional funding agencies (SCAG and WRCOG) for use as a basis for planning. The projects in the Strategic Plan were not assumed because funding for those projects was considered to be too uncertain. Also, the proposed East-West Freight Corridor that was included in the financially constrained plan was not assumed to be implemented. This is because unlike the other projects which are based on funding mechanisms with a clear track record, the freight corridor is expected to be funded through a tolling mechanism that has not yet been established and whose future efficacy is unknown.

The 2012 Regional Transportation Plan's Financially-Constrained Projects list shows that Arlington Avenue is to be widened from 4 to 6 lanes between Magnolia Avenue and Alessandro Boulevard (RTP ID 3A01WT112). Therefore, consistent with the RTP, the RivTAM 2035 network therefore assumes Arlington Avenue as 3 lanes in each direction between Magnolia Avenue and Alessandro Boulevard, where intersection 93, 94, and 95 are located.

Response to Comment E-2B-10. Please refer to Response to Comment E-2B-9.

Response to Comment E-2B-11. Please refer to Response to Comment E-2B-9.

Response to Comment E-2B-12. Please refer to Response to Comment E-2B-9.

Response to Comment E-2B-13. 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.

We agree 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 (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.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

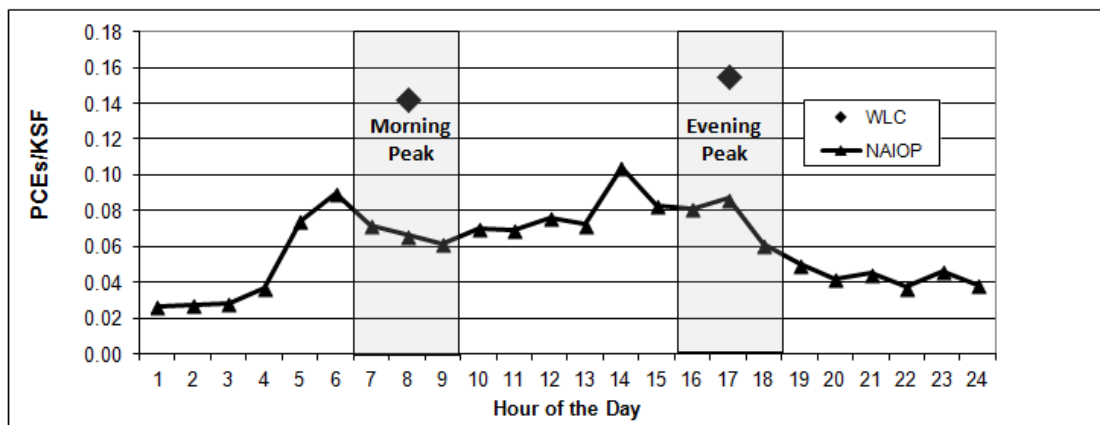


Exhibit E-2B-1: Time-of-Day Distribution, WLC Assumptions Compared to NAIOP

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.

Response to Comment E-2B-14. The commenter states that the portion of I-215 between SR-60 and Perris Blvd. should be studied.

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.

Response to Comment E-2B-15. The commenter states that Cajalco Road should be studied.

As discussed in the TIA (Chapter 1, Section B), the City of Moreno Valley approved a minimum threshold of 50 peak-hour trips to be used to determine whether or not a surface street or intersection needs to be analyzed. The City of Riverside uses the same threshold (City of Riverside, "Traffic Impact Analysis Guidelines", page 3). That portion was analyzed to determine if it met the threshold for further analysis. Tests using the RivTAM model showed that Cajalco Road did not meet the minimum threshold and therefore, it was not included for further analysis.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment E-2B-16. The commenter states that it is not clear why the mitigation measures for the cumulative condition consider only 2035 conditions and not 2017 and 2022 conditions.

The cumulative analysis is intended to show the impacts of all reasonably foreseeable future projects. As such, the appropriate timeframe is 2035, which is the time horizon limit of the SCAG adopted RTP/SCS. Therefore, the analyses of interim years, such as 2017 and 2022, were not described as "cumulative."

Response to Comment E-2B-17. The commenter states that the DEIR labels mitigation improvements to Intersection #95 "infeasible" when in the opinion of the commenter an eastbound right-turn lane could be accommodated without significantly affecting any residential property. He also suggests that other improvements are feasible such as adding third left-turn lanes to the northbound and westbound approaches.

Considering the residential community where this intersection is located it is unlikely that moving a large volume of traffic 12 feet closer to the corner houses would not significantly affect residential properties, as suggested by the commenter. Furthermore, the commenter's recommendation for triple-right and triple-left turns does not seem appropriate for this residential setting (all four quadrants of this intersection are communities of single-family homes as illustrated below). Nevertheless, the listing for this improvement has been revised to "feasible" and the project will pay its fair share for this improvement if the City of Riverside proceeds with this measure within the existing residential community and if a suitable mechanism can be established with the City. Please refer to Mitigation Measure (MM) Trans-5 in Chapter 11, Section G.



Exhibit E-2B-2: The Alessandro/Arlington/Chicago Intersection (IN-95)

Response to Comment E-2B-18. The commenter states that the mitigation measures identified in TIA Table 80 for Intersections 94 and 95 do not match the recommended mitigation measure in Table 69. Table 80 (now Table 76 in the revised TIA FEIR Volume 2 Appendix L-1) and 69 (now Table 65 in the revised TIA FEIR Volume 2 Appendix L-1) have been revised and now match in the revised TIA.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment E-2B-19. The commenter concedes that the mitigation measure identified as “infeasible” in the TIA for Intersection 95, and which the commenter suggested in Comment E-2B-17 is feasible, may in fact not be feasible. However he suggests that other improvements are feasible such as adding third left-turn lanes to the northbound and westbound approaches. Please see Response to Comment E-2B-17.

Response to Comment E-2B-20. The commenter states their opinion that that 12,000 daily truck trips on I-215/SR-60 necessitates corridor-wide lane improvement similar to I-710 in Southern LA County.

As previously addressed in the Response to Comment E-2B-1, the 12,000 figure is incorrect. 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.

Response to Comment E-2B-21. The commenter states their opinion that the mitigation measures identified for freeway segment Nos. F-24, F-27, F-42, W-21, W-22, W-23, and W-25 which were identified in the TIA as “infeasible” are feasible. He also suggests that consideration should be given to ramp metering.

We concur with the commenter that F-24, F-27, W-22, and W-23 may be feasible and have changed their descriptions in the TIA to reflect this. However, the City respectfully disagrees with the commenter’s suggestion that the mitigation measures identified for freeway segment Nos. F-42, W-21, and W-25 are feasible.

- **Westbound SR-91 from Magnolia Ave. to La Sierra Ave. (F-42)** would require an additional mixed-flow lane that could only be added by eliminating the existing shoulder and thus leaving no space for disabled vehicles to pull over. Since this would create safety problems that would be less acceptable than a low LOS, mitigating this impact is infeasible.
- **Eastbound SR-60 from SR-91 to W. Blaine St./3rd St. (W-21)** would require adding a mixed-flow lane. The existing freeway right-of-way in this section cannot accommodate an additional lane and cannot be widened without impacting the adjacent residential community. Thus widening the freeway is infeasible.
- **Eastbound SR-60 from Central Ave. to Fair Isle Dr. /Box Springs Rd. (W-25)** would require the addition of a mixed-flow lane. The existing freeway right-of-way in this section cannot accommodate an additional lane and cannot be widened without eliminating the adjacent frontage road.

We concur with the commenter that ramp metering may provide an improved LOS in some locations. However, because the State Freeway System is under the control of Caltrans, it is not within the City’s authority to implement ramp metering in this corridor.

Response to Comment E-2B-22. The commenter states their opinion that that the mitigation measures identified for freeway segment Nos. F-19 F-46, F-42, F-49, W-21, W-22, and W-25 which were identified in the TIA as “infeasible” are feasible. He also suggests that consideration should be given to ramp metering.

We concur with the commenter that F-19, F-49, and W-22 may be feasible and have changed their descriptions in the TIA to reflect this. However, the City respectfully disagrees with the commenter’s suggestion that F-42, F-46, W-21 and W-25 are feasible.

- **Westbound SR-91 from Magnolia Ave. to La Sierra Ave.** (F-42) would require an additional mixed-flow lane that could only be implemented by eliminating the existing shoulder and thus leaving no space for disabled vehicles to pull over. Since this would create safety problems that would be less acceptable than a low LOS, mitigating this impact is infeasible.
- **Eastbound SR-91 from Adam St. to Madison St.** (F-46) would require adding a mixed-flow lane. The existing freeway right-of-way in this section cannot accommodate an additional lane and cannot be widened without impacting the adjacent residential community. This mitigation is therefore infeasible.
- **Eastbound SR-60 from SR-91 to W. Blaine St./3rd St.** (W-21) would require adding a mixed-flow lane would reduce the impact to a less-than-significant level. The existing freeway right-of-way in this section cannot accommodate an additional lane and cannot be widened without impacting the adjacent residential community. This mitigation is therefore infeasible.
- **Eastbound SR-60 from Central Ave. to Fair Isle Dr. /Box Springs Rd.** (W-25) would require the addition of a mixed-flow lane. The existing freeway right-of-way in this section cannot accommodate an additional lane and cannot be widened without eliminating the adjacent frontage road. This mitigation is therefore infeasible.

We concur with the commenter that ramp metering may provide an improved LOS in some locations. However, because the State Freeway System is under the control of Caltrans, it is not within the City's authority to implement ramp metering in this corridor.

Response to Comment E-2B-23. The commenter states their opinion that in light of repeated claims of infeasibility regarding the provision of additional mixed-flow lanes on SR-60/I-215 and SR-91 freeways, the project should be required to fund a Project Study Report and Project Report through the Riverside County Transportation Commission (RCTC) and with the involvement of the City of Riverside for the development of additional lanes on these freeways.

Caltrans completed a Route Concept Report for the SR-60/I-215 corridor in September 2012. This report is available from Caltrans or from the City of Moreno Valley. The study focused on identifying the number of lanes required in each section of the corridor. Among other things, this report recommended adding one mixed-flow lane to SR-60 in each direction between Redlands Blvd and Gilman Springs Rd. Traffic demand on SR-91 was also recently studied leading to improvements that are currently under construction. Both RCTC and the City of Riverside were involved in that study. No additional study is warranted at this time.

Response to Appendix 1 (Qualifications of Keil D. Maberry, P.E.) The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide the engineering qualifications and references for Keil D. Maberry.

Response to Appendix 2 (Two Résumés of staff at Linscott Law, & Greenspan) The referenced appendix was not cited in the comment letter. The resume in the appendix has been reviewed and although the City appreciates the inclusion of professional resumes as part of comments, the City considers all technical comments equally regardless of qualifications of the commenter.

**Letter E-3: Moreno Valley Unified School District (April 8, 2013) and
Appendix 1**



Board of Education
 Denise Fleming, Ed.D.
 Jesus M. Holguin
 Cleveland Johnson
 Tracey B. Vackar

Superintendent of Schools
 Judy D. White, Ed.D.

Moreno Valley Unified School District

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Our mission is to prepare all students academically and socially to become productive members of society

April 5, 2013

Mark Gross, AICP
 Senior Planner
 Community and Economic Development Department
 City of Moreno Valley
 14177 Frederick Street
 Moreno Valley, CA 92553

Subject: Comments on Draft Environmental Impact Report for World Logistics Center Project

Dear Mr. Gross:

The Moreno Valley Unified School District (District) welcomes this opportunity to comment on the Draft Environmental Impact Report for the World Logistics Center project. While the District has not taken the position of opposing the project, we have serious concerns about the project's impacts on the environment, particularly the impacts on air quality, and the health and safety of our students, and staff. As outlined in this letter, the DEIR is seriously flawed and should be revised and recirculated before any action is concerning the approval of this project.

PROJECT SUMMARY

The WLC project covers 3,918 acres in the Rancho Belago area of the City of Moreno Valley. It includes 3,814 acres of land which is the subject of various entitlements, plus 104 acres of land affected by off-site improvements needed to support the proposed development.

The proposed entitlements include general plan amendments, adoption of a specific plan, zone change, tentative parcel map, pre-annexation and development agreement. The WLC Specific Plan proposes a master-planned logistics campus to include up to 41.4 million square feet of high-cube logistics warehousing, up to 200,000 square feet of light logistics uses, a site for logistics support uses (LS designation), and 75 acres of Open Space in the southwest corner of the site. The Specific Plan includes extensive development standards, design guidelines, and review procedures for all development within the project.

GENERAL COMMENTS

The WLC DEIR does not provide adequate analysis of impacts to District schools or children attending schools. The District operates a total of 39 schools; 23 elementary, six middle, four high schools, four alternative education schools, one early childhood center, and one adult education school. Three schools are located within two miles just west of the WLC site: Ridge Crest Elementary School, La Jolla Elementary School, and Landmark Middle School. The District operates a number of schools along Alessandro, Cottonwood, and Eucalyptus just south of the SR-60.

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Some land uses are considered more sensitive to air pollution, greenhouse gas emissions, health risks, noise and traffic impacts, than others due to the types of population groups or activities involved. Sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases. Schools are considered sensitive receptors.

The DEIR only analyzes sensitive receptors immediately adjacent to the WLC site. Due to the project size and the substantial increase in truck traffic, impacts must be analyzed for schools and other sensitive receptors within a larger context. For example, the project's contribution health risk along the SR-60 should also be evaluated with respect to risk to children attending schools in this area. Additionally, truck trips using Alessandro to access the freeway should be clearly depicted and associated cancer risk should be evaluate for schools along Alessandro and all other truck routes.

3

SPECIFIC COMMENTS

Specific Comments are provided below categorized by issue area.

Project Description

The WLC would result over 70,000 truck trips per day, which would have a substantial impact on the surrounding community in several environmental categories. The project description needs to include a figure and description of the preferred and allowable truck routes from the WLC site to the SR-60 and I-215 Freeways.

4

The project description states the Moreno Beach Substation will be expanded to 112 MW, and a new 60 MW substation will be constructed to serve the project (DEIR page 3-51). The description refers to Figure 3.16, which only shows one substation. The Moreno Beach Substation expansion should be clearly depicted on Figure 3.7 and described under energy. The location of this facility and surrounding uses are necessary to determining whether the off-site expansion will result in any health effects.

Air Quality and Community Risk and Hazards Comments

District schools nearest to the project site and along truck routes should be included in the air quality analysis and locations should be shown on Figure 4.3.7.

While the trip generation rate assumed in the Air Quality modeling is higher than the 1.44 trips per thousand square feet (TSF) identified in the 8th Generation of the Institute of Transportation Engineer's (ITE) Trip Generation Manual, it is still substantially lower than the reasonable worst-case trip rate recommended by SCAQMD of 2.59 trips/TSF. The following is stated in the California Emissions Estimator Model User's Guide (CalEEMod):

5

"..The trip rate value used in URBEMIS is 4.96 trips per 1,000 square feet (TSF) for warehouse projects (land use type 150). This value is from the 7th Edition of the Trip Generation manual, published in 2003. Several developers of high-cube warehouses in recent years have questioned the validity of this value for modern warehousing operations and have commissioned local studies to investigate these trip rates. As a result, in the most recent version of the Trip Generation manual (8th Edition, 2008), additional data has been included to provide a new high-cube warehouse (land use 152) trip rate of 1.44 trips/TSF. SCAQMD staff and other interested parties have questioned lead agencies about this lower rate because of concern that industrial warehouse project analyses may be underestimating the number of trucks serving them. If this were true, air quality impacts may be underreported in the corresponding CEQA analyses... In order

to avoid underestimating the number of trips associated with large warehouse / distribution center operations without rail service, AQMD staff recommends that lead agencies utilize a rate of 2.59 trips per TSF for large warehouse air quality analyses on a project specific basis. The value of 2.59 from the nationwide dataset is preferable instead of the SCAB rate of 3.68 due to the greater reliability of data based on the larger sample size. For warehouses with rail service, a rate of 1.63 trips per TSF may be used. These values provide reasonable worst case default rates for individual new warehouses in the absence of more project-specific data."

The Table below illustrates how a change in the trip generation assumption would significantly increase trips generated by the project, and correspondingly underreport the project's air quality and health risk impacts.

High Cube Warehouse Trip Generation Comparison

	Trips Rate	Trips from 41,400 TSF of Logistics
High Cube Warehouse Trip Rate Identified in the Draft EIR	1.68	69,552
High Cube Warehouse Trip Rate Identified in CalEEMod User's Guide	2.59	107,226
		37,674 trips

Table 17 of the DEIR, Daily Trips and Fleet Mix, indicates that there would be 71,085 daily trips associated with the project. Using the trip generation rates in Table 16, Trip Generation Rates, and the operational build-out schedule in Table 15, there would be 73,845 trips per day associated with the project. Therefore, trip generation is underreported, which results in underreporting the project's air quality and health risk impacts.

Trip Generation Comparison

Land Use	TSF	Trips Rate in Table 16	Trips
Logistics (High Cube Warehouse)	41,400	1.68	69,552
Light Logistics	200	3.56	712
Gas Station with Pumps	12	113.95	1,367
Convenience Store	3	737.99	2,214
	41,615 TSF	NA	73,845
Difference from 71,085 Daily Trips in Table 17			-2,760 trips

Additional mitigation that should be considered. There are currently several research and demonstration programs being conducted by the Port of Los Angeles, SCAQMD, California Energy Commission, Environmental

Protection Agency and the U.S. Department of Energy, to develop dedicated zero-emission trucks or hybrid electric trucks that will have zero-emission range. Such demonstrations are expected to be completed within the next several years and lay the foundation for commercialized products. According to SCAQMD, the first generation of zero-emission trucks will be available within the next five years. Build-out would occur well beyond 2022 due to the market demand for warehousing (even though emissions present a worst-case assumption that the project would be built out in 10 years). These trucks will be available within the build-out timeframe considered and should be considered to mitigate the project's significant unavoidable air quality impacts.

Health Impacts from Diesel and Ultra-fine Particulate Matter Emissions, Especially on Children, Are Not Fully Addressed. Diesel particulate matter (DPM) is responsible for most of the *cancer* risk in California from toxic air contaminants; as well as most of the cancer risk from the WLC Project. Significant *non-cancer* health effects also are known to result from diesel particulate emissions. Among the specific non-cancer health effects known to result from diesel particulate matter are:

- Aggravated Asthma
- Decreased lung function in children
- Respiratory and cardiovascular hospitalizations
- Premature death from non-cancer effects such as respiratory and heart diseases (which may occur at a greater frequency than death from cancer)

Adverse non-cancer health effects from DPM, such as those listed above, are not fully evaluated by the methods used in the DEIR.

The Health Risk Assessment (HRA) methodology used in the DEIR underestimates adverse *chronic* non-cancer health impacts known to result from exposure to diesel particulate matter. Health impacts are underestimated due to limitations in the methodology. The Reference Exposure Level (REL) for diesel PM used in the DEIR to calculate a chronic non-cancer Health Hazard Index (HHI) does not account for all of the known health effects from DPM exposure, especially in children. We recognize, and hasten to point out, this methodological deficiency is not unique to the World Logistics Center DEIR; it is present in similar DEIRs due to the fact that alternative quantification methods are lacking. However, it is critical that these limitations of the HRA methodology be clearly and prominently emphasized in the report. The Project DEIR fails in this regard.

The DEIR also downplays the known *acute* non-cancer risk from exposure to project emissions. The report asserts that there is insufficient exposure information to establish a short-term non-cancer health risk guidance value for respiratory effects (DEIR, p. 4.3-71). As a result, the DEIR incorrectly concludes "Therefore, the potential for short-term acute exposure from diesel exhaust are considered to be less than significant and no mitigation is required." Based on the known short-term health effects of DPM, as summarized above and below, this statement in the DEIR is erroneous and grossly misleading.

The DEIR does not account for the greater sensitivity of children to non-cancer health effects caused by diesel and ultra-fine particulate matter (UFP). Scientific studies have shown associations between traffic-related pollution and effects in children, including chronic bronchitis, allergic rhinitis, asthma induction, upper and lower respiratory tract infections, and impaired lung function growth (CARB, *Emission Reduction Plan for Ports and Goods Movement*, 2006).

In a 2001 report (Prioritization of Toxic Air Contaminants Under the Children's Environmental Health Protection Act) the Office of Environmental Health hazard Assessment (OEHHA) identified diesel exhaust particulate matter as one of the five "Tier 1" toxic air contaminants (out of a total of 200 candidate TACs evaluated) that may cause infants and children to be especially susceptible to illness. The 2001 OEHHA report describes diesel exhaust particulate as " ... ubiquitous in urban environments, and exposures are widespread. There are many studies demonstrating that diesel exhaust particulate can enhance allergic responses, and induce new allergies to airborne allergens. This raises concern for enhancement of allergic airway disease including asthma, and for development of new asthma. Diesel exhaust particles contribute to ambient PM₁₀. Ambient PM₁₀ has been shown to exacerbate asthma and has been associated with low birth weight and decreased lung function in children. Several studies provide evidence of adverse respiratory health impacts in children living near streets with heavy truck traffic. In addition, diesel exhaust particulate contains PAHs (and other mutagenic polycyclic organic matter).

The DEIR also fails to adequately disclose and analyze UFP emissions from the project and, as a result, there is insufficient information and analysis regarding the adverse health impacts to District students and staff caused by UFPs. In the decade before and the year since the DEIR was released, the scientific research pointing to the adverse health effects from UFPs, especially on children, has continued to grow¹². The project will route more than 71,000 average daily vehicle trips, including over 14,000 truck trips per day, in close proximity to District schools. Each of these new pollution sources will emit significant quantities of UFPs in the vicinity of District schools, students, and staff. The DEIR does not account for the wider dispersion zone of UFPs compared with larger particles (PM_{2.5} and PM₁₀). UFPs are 0.1 micron or less in size and will travel farther from the Project than larger particulates. According to one study of the I-10 freeway in Los Angeles, UFPs travel up to 8,500 feet downwind and 1,970 feet upwind from the emission site³.

Because of their smaller size, UFPs also are able to penetrate more rapidly and deeper into the lung and more readily translocate to other organs in the body than larger particles (PM_{2.5} and PM₁₀). By failing to account for the wider impact and significant health hazards of UFPs (both downwind and upwind), the DEIR improperly masks some of the most significant impacts of the Project. However, despite the troubling lack of data regarding UFPs in the DEIR, there is no doubt UFPs from the project pose a significant health threat to MWUSD students. This threat must be fully disclosed and evaluated in order to provide sufficient data for informed decision-making.

The District requests that the DEIR be revised to include additional efforts to adequately characterize—and mitigate—the un-quantified non-cancer health risks of diesel (DPM) and ultra-fine (UFP) particulate matter emissions from the project on school-age children.

¹ SCAQMD.2012. 2012 AQMD Draft Program EIR, September 2012.

² University of Southern California. 2011. Final Report: Fine-Scale Spatial and Temporal Variability of Particle Number Concentrations Within Communities and in the Vicinity of Freeway Soundwalls. Prepared for CARB and CalEPA. April 26, 2011.

³ Hu, S.S., et al., A wide area of air pollutant impact downwind of a freeway during pre-sunrise hours. Atmospheric Environment, 2009, 43, (16): p. 2541 – 2549.

Mr. Mark Gross

April 5, 2013

Page 6

The Greater Sensitivity of Children to Toxic Air Contaminants and Cancer Risk is Not Evaluated. The DEIR shows significant and unavoidable cancer risks will result from the project, including for students and staff at District schools (see Figures 1 and 2, attached). However, due to the risk assessment methodology used, the presentation in the DEIR underestimates the cancer risk to children. The cancer risk factor for DPM used in the DEIR fails to adequately account for the greater sensitivity of children to Toxic Air Contaminants (TACs). Scientific research data from humans and animals suggest that exposure to a variety of carcinogens early in life may result in a greater lifetime risk of cancer than exposures later in life. Because of this, the State of California (OEHHA, 2012) now recommends that cancer risk factors be weighted by a factor of three for exposure of children ages two to sixteen (Air Toxics Hot Spots Program Risk Assessment Guidelines, Technical Support Document for Exposure Assessment and Stochastic Analysis; OEHHA, August 2012). Furthermore, the OEHHA has recommended the use of age-specific cancer risk factors since at least 2009. (OEHHA, Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures, May 2009.)

7

OEHHA guidelines also recommend that exposures from projects lasting more than six months be evaluated for the duration of the project. Given that District elementary schools, middle schools, and high schools are within the significant cancer risk contours of the project (see Figures 1 and 2, attached), the DEIR should be revised to include age specific risk factors and an appropriate exposure period in order to fully assess the risks to students.

The District requests that the DEIR include an analysis of health risks to schools – including cancer risks to students -- using appropriate exposure durations, and agency-recommended age-specific risk factors.

Health Risks from Diesel PM Remain Un-Quantified. Although the DEIR quantifies the cancer and non-cancer risks of diesel exhaust PM, additional health effects from diesel PM are not quantified in the DEIR's methodology. The list of health effects for diesel PM not captured in the DEIR is long (see CARB, 2006), and is rapidly evolving, with new scientific findings being published regularly.

8

The District requests the DEIR be revised to include additional efforts to adequately characterize—and mitigate—cancer and non-cancer health risks associated with diesel PM from the Project.

Additional Mitigation Required. The foregoing comments describe some of the DEIR's deficiencies in evaluating the project air quality impacts and associated health risks, including underestimating cancer risks and non-cancer hazards to students from particulate matter and other pollutants. Despite these deficiencies, the DEIR does identify significant and unavoidable cancer risk impacts to District school sites (see Figures 1 and 2, attached) from the "mitigated project". Where there is a significant unavoidable adverse impact, CEQA requires incorporation of all feasible mitigation to avoid or substantially less that effect (see CEQA Guidelines §15091). Additional mitigation beyond that proposed in the DEIR is necessary – and available --for these significant impacts.

9

The mitigation measures included in the DEIR fail to reduce project impacts to an acceptable level, and do not adequately protect the sensitive receptors at school sites that will be impacted by this project. As such, in addition to correcting the specific deficiencies in the DEIR noted above, we suggest that additional mitigation projects be developed that would balance community needs with goods movement to and through the project. The District

requests consultation with the City and project applicant so that the required additional mitigation measures can be developed and included as part of the project in an efficient and effective manner.

As a starting point for these future discussions, we point to the Mitigation Grant Programs that the ports of Long Beach and Los Angeles have funded and successfully implemented to address residual air quality impacts to schools and other receptors. The goods movement projects that prompted port area Mitigation Grant Programs are comparable in scope (e.g., thousands of trucks) and impacts (DPM emissions) to the World Logistics Center Project. To date, the port of Long Beach (POLB) alone has committed over \$17 million for goods movement mitigation grant programs. For example, the POLB has funded installation of high efficiency air filters in local schools in the amount of more than \$3 million; additional POLB funding for school air filtration projects is pending. The efficacy of high efficiency air filtration installations in schools as mitigation for residual air impacts from goods movement has been demonstrated by the SCAQMD⁴.

9

Mitigation grants associated with the WLC project could be used for a range of measures that have been proven successful in the ports and other areas. These measures include: 1) the installation of high performance air filtration units, 2) installation of new energy efficient windows and doors with low air leakage, and 3) landscaping with air filtration benefits. A working concept being considered on one port project with similar air quality impacts would dedicate at least 10 percent of the total project costs associated with the development of the project to the Mitigation Grant Program. Another approach would be to provide annual funding to the Mitigation Grant Program based on a percentage of gross revenues of project operations until such time that modeled emissions no longer impact sensitive receptors.

Greenhouse Gas Emissions

The project's operational GHG emissions would generate 751,787 mt CO₂e/year and 665,321 mt CO₂e/year with design features. The GHG section does not provide an analysis how this level of GHG emissions will impact the surrounding area or region.

This section must evaluate consistency of the project with the strategies proposed by the Southern California Association of Governments (SCAG) to reduce vehicle miles traveled (VMT) in the region, in accordance with Senate Bill 375 (SB 375). SCAG's 2012 SCS/RTC uses substantially different assumptions for population and employment for the site per the adopted Moreno Highlands Specific Plan. Therefore, consistency of the project must be analyzed with respect to the 2012 RTC/SCS.

10

CEQA requires incorporation of all feasible mitigation to avoid or substantially lessen significant unavoidable impacts (see CEQA Guidelines §15091). The project includes one mitigation measure related to reducing solid waste to mitigate GHG emissions. Project design features that mitigate GHG emissions should be outlined in the mitigation program to ensure enforceability.

Hazards and Hazardous Materials

The DEIR states that there are no existing school facilities within one-quarter of a mile of the project area. Due to the project size and the substantial increase in truck traffic, impacts must be analyzed for schools and other

11a

⁴ SCAQMD, 2009. Pilot Study of High Performance Air Filtration for Classrooms Applications, draft report, prepared by South Coast Air Quality Management District and IQAir North America, Inc., October 2009.

sensitive receptors within a larger context. Truck routes should be examined to ensure that truck-related risks will not impact schools along dedicated truck routes.

▲
 — 11a

The DEIR must identify the threshold for businesses required to prepare a Hazardous Materials Business Emergency Plan.

— 11b

High pressure natural gas lines cross the project site that will be relocated or protected in place. A pipeline risk assessment should be prepared to determine the risk of a catastrophic accident and its impact to the surrounding residents and nearest District schools.

— 11c

Population, Housing and Related School Impacts

The DEIR states that the project would not generate an increase in residential units or an increase in population. Further it states that no homes and no significant generation of school-aged children would be developed as part of the proposed project. However, the project would generate approximately 24,642 new permanent employees in addition to 7,583 indirect /induced permanent jobs and 13,128 short-term construction-related jobs.

The approximately 25,000 new jobs would nearly double the existing employment of 25,120 in the city. Doubling the number of jobs in the city would induce population growth in the area. The DEIR must quantify the increase in population resulting from new jobs in the area, the number of students that would be generated, and its impact on District schools.

— 12

The DEIR states that employees of the project who choose to live in the City would likely utilize the existing supply of housing. However, there is no analysis to support that statement. Employment and housing factors should be taken into account to substantiate the analysis, such as the existing housing inventory and surplus and the location of the where the anticipated workforce currently resides based on education and income.

Traffic and Circulation, Noise

The traffic study does not provide a description or illustration of truck routes going to and from the project site. The DEIR states that 82 percent for the truck trips will be oriented west via one or more freeways. The DEIR needs to state specifically which surface streets will be used. If east-west surface streets, such as Alessandro Boulevard, will be used to access the I-215 or SR-60, then the DEIR must analyze the impacts resulting from the substantial increase in truck traffic along these routes. The analysis must include, but is not limited to: the increase in traffic noise levels for schools and outdoor playgrounds, the potential traffic safety impact of truck trips along streets adjacent and near schools, and as stated above, DPM health risks.

— 13

CONCLUSION

The District strongly urges the City to revise and correct these deficiencies and recirculate the DEIR before considering approval of the project. The District will continue to actively participate in this process and looks forward to working with the City to ensure each of these concerns is sufficiently addressed prior to approval of the project.

— 14

Thank you for considering our comments. Should you have any questions, please contact me at (851) 571-7500 or Sergio San Martin, Director II, Facilities at (951) 571-7692.

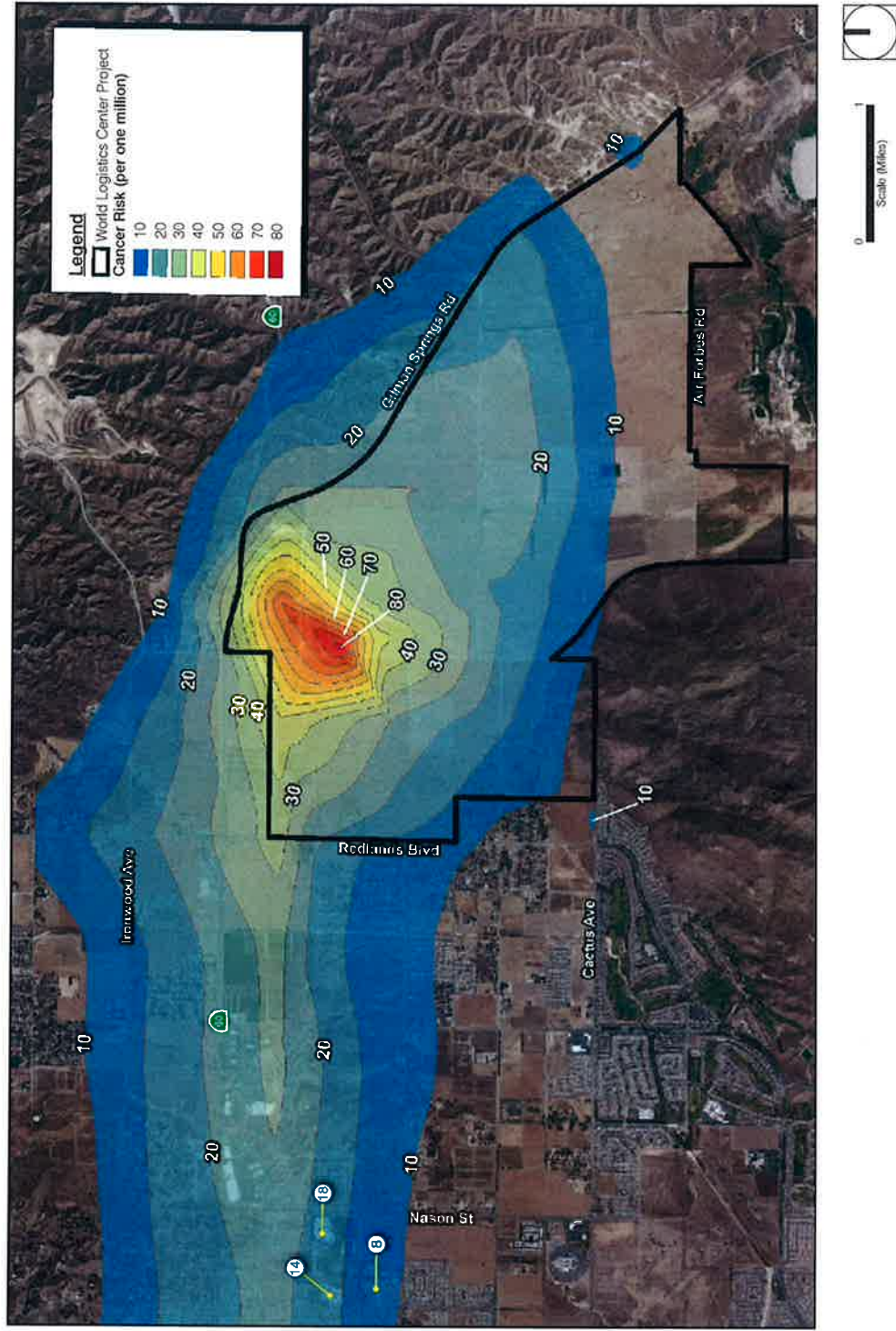
Mr. Mark Gross
April 5, 2013
Page 9

Sincerely,

A handwritten signature in black ink that reads "Judy D. White". The signature is written in a cursive style with a large, stylized "J" and "W".

MORENO VALLEY UNIFIED SCHOOL DISTRICT
Dr. Judy D. White, Superintendent

Schools and Mitigated Project Incremental Cancer Risk Near Project



- ⑧ Moreno (1-5) 26700 Cottonwood Ave
- ⑭ Mountain View (6-8) 13130 Morrison Ave
- ⑮ Valley View (9-12) 13135 Nelson Ave

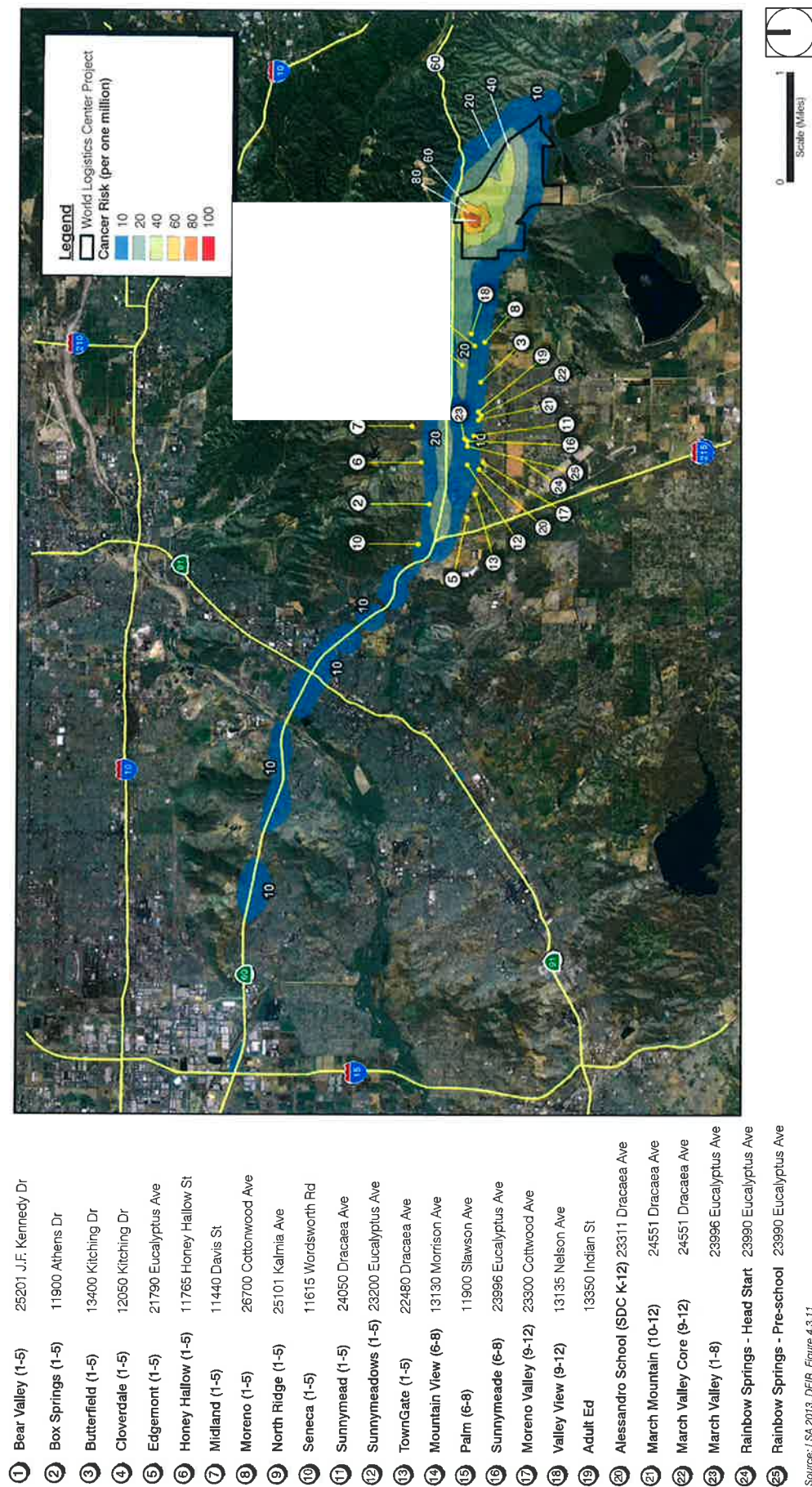
Source: LSA 2013, DEIR, Figure 4.3.13

Moreno Valley USD, Comments on Draft EIR, World Logistics Center Project

The Planning Center | DC&E • Figure 2



Schools and Project Incremental Cancer Risk



Source: LSA 2013, DEIR, Figure 4.3.11

The Planning Center | DCE • Figure 1

RESPONSES TO LETTER E-3

Moreno Valley Unified School District

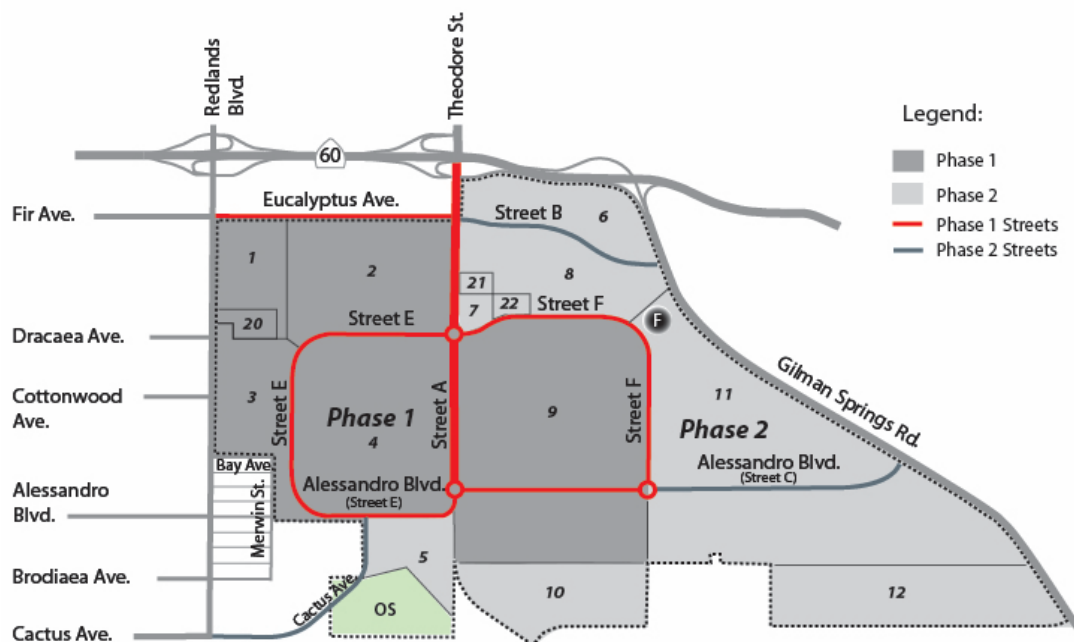
Response to Comment E-3-1. The City understands the Moreno Valley Unified School District (District) has strong concerns about the potential public safety and health risks of the World Logistics Center (WLC) project. The City evaluated the many comments received on the Draft Environmental Impact Report (DEIR), including those of the District. The revised technical studies and DEIR provide additional information, mainly in the form of responding to the many questions and comments received on the DEIR. However, this additional information does not rise to the level of significant new information, nor does it identify any new or substantially different significant environmental impacts from those identified in the DEIR. Therefore, the DEIR will not be recirculated.

Response to Comment E-3-2. The District has accurately summarized the project characteristics that were evaluated in the DEIR. Subsequent to circulation of the DEIR, 100 acres was removed from the WLC Specific Plan (SP) site which also removes 1 million square feet of high-cube logistics development of the proposed project. The revised DEIR document evaluates the impacts of the revised project, which are generally equivalent to those of the project evaluated in the DEIR.

Response to Comment E-3-3. The commenter stated that project truck trips using Alessandro Blvd should be clearly depicted.

As explained in Chapter 4, Section B, Alessandro Blvd. will be severed and will not connect to the project site (see Exhibit E-3-1 in the TIA, copied below). Project-related car traffic heading west will be directed towards Cactus Blvd. Trucks will not be permitted to use the Cactus Blvd. access point and would instead be directed to SR-60. For these reasons, there is no project-related truck traffic expected on Alessandro Blvd.

Exhibit E-3-1 Proposed Roadways and Phasing



Response to Comment E-3-4. The commenter asked that a figure showing the truck routes to the SR-60 and I-215 freeways be added. A figure (Figure 8 in the Traffic Impact Analysis (TIA) Final Environmental Impact Report (FEIR) Volume 2 Appendix L-1) has been added showing the designated truck routes in and around Moreno Valley.

Response to Comment E-3-5. The commenter acknowledges that the trip generation rate used in the TIA (1.68 vehicular trips per thousand square feet per day (VT/KSF/day)) is higher than the rate recommended in the Institute of Transportation Engineer's Trip Generation Manual 8th Edition (1.44 VT/KSF/day) but nevertheless claims that the rate it is too low and results in underreporting the air quality impact and health risk impacts. The commenter cites a recommendation from the South Coast Air Quality Management District (SCAQMD) that a higher rate of 2.59 VT/KSF/day should be used instead. The commenter also notes what appears to be a small (3%) inconsistency between the trip generation rates and the total reported trips in Table 17 in the *Air Quality, Greenhouse Gas, and Health Risk Assessment Report* prepared for the DEIR.

The figure cited by the commenter (2.59 VT/KSF/day) is recommended by SCAQMD for use in evaluating worst-case scenarios for individual warehouses. When ten or more warehouse buildings are evaluated as a group, as is the case for the WLC (Section 2.1 of the Specific Plan states that the WLC will have 15-to-30 logistics warehouses), then SCAQMD recommends the use of the average rate of 1.44 VT/KSF/day (*California Emissions Estimator Model, Appendix E Technical Source Documentation*, California Air Pollution Control Officers Association, page 14), which is lower than the rate of 1.68 VT/KSF/day that used in the TIA. As stated in Section 2.1 of the Specific Plan, it is anticipated that the WLC will have 15-to-30 logistics warehouses. As a result, the TIA takes a more conservative approach to traffic analysis than necessary.

It appears that the small inconsistency the commenter is referring to occurs due to the fact that a portion of trips to some destinations were considered pass-by trips. These are trips that, for example, stop at the fueling station as a side trip during the course of a primary trip or from their primary destination in the WLC. Standard engineering practice is to not count these as new trips but rather as part of the longer trip. This is discussed in the revised TIA (FEIR Volume 2, Appendix L-1) at Chapter 2, Section B, the subsection entitled Manual Trip Generation and Assignment for Fueling Station.

Response to Comment E-3-6. The commenter raised several issues dealing with availability and feasibility of demonstration-stage hybrid trucks as additional project mitigation, health impacts from diesel and ultra-fine particulate matter emissions; responses are discussed below.

Additional Mitigation: The commenter suggests that zero emission or hybrid electric trucks should be a mitigation measure. Please refer to Master Response-3 in Comment Letter C-3: Zero Emission or Hybrid Electric Trucks, Vehicles, and Equipment for why this would not be a feasible mitigation measure. The commenter states that there are demonstration projects conducted by the California Energy Commission, United States Environmental Protection Agency (EPA), and the United States Department of Energy. However, no references are provided. Even if there were demonstration programs, there are no commercially viable zero-emission or hybrid trucks available and it is not known whether any such demonstration project would be successful and lead to commercially viable zero-emission or hybrid trucks. In addition, these programs would have funding from those referenced agencies; the project and its tenants would not be guaranteed funding for such programs.

The commenter also claims, "according to SCAQMD, the first generation of zero-emission trucks will be available within the next five years." However, the commenter does not provide a reference for that statement. In its comment letter on this DEIR, the SCAQMD did not recommend zero-emission technologies. The SCAQMD did recommend installing the requisite electrical infrastructure for these trucks when they become commercially available, which is included in Mitigation Measure (MM) 4.3.6.4A. Even if zero-emission trucks are available within the next five years, it is not feasible to

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

require zero emission trucks, as discussed in Master Response-3 in Comment Letter C-3, Zero Emission or Hybrid Electric Trucks, Vehicles, and Equipment.

Health Impacts from Diesel PM: The commenter points out that diesel PM is responsible for most of the cancer risk in California and is known to cause significant non-cancer health impacts. Discussions on the health risks associated with diesel PM were provided in the DEIR and as discussed in Master Response-2 in Letter C-3: Health Effects of Diesel Particulate Matter.

Assessment of Chronic Non-Cancer Hazards: The commenter also points out that the non-cancer health impacts dealing with chronic and acute non-cancer exposures were not fully estimated because of limitations in methodologies or no thorough analysis.

The assessment of the chronic non-cancer impacts from the project was included in the DEIR (see Section 4.3 of the DEIR) and followed the recommended methodology prescribed by the SCAQMD and the Air Resources Board (ARB), which is based on the concept of a reference exposure level or reference exposure level (REL). The REL is an exposure level of a pollutant below which the pollutant is assumed to not have a deleterious health impact. The assessment of chronic non-cancer hazards presented in the DEIR concluded that exposures to diesel PM from the project would result in exposure levels of diesel PM that are below the REL for diesel PM established by Office of Environmental Health Hazard Assessment (OEHHA) and thus would not result in a significant chronic non-cancer health hazard.

Assessment of Acute Non-Cancer Hazards: The assessment of acute non-cancer hazards contained in the DEIR was discussed qualitatively and has been expanded in the revised analysis by examining the potential hazards associated with the total organic gas (TOG) emissions from both gasoline vehicles and diesel vehicles. Exposures to several components (i.e., chemical species) that make up gasoline and diesel TOG emissions have been associated with acute non-cancer health impacts. For this purpose, estimates were made of the maximum 1-hour emission rates of TOG based on the peak-hour traffic volumes from the project's mobile sources over a network of nearly 500 roadway segments that covered the region from near Palm Springs, the project, and the ports of Los Angeles and Long Beach.

To estimate the levels of these chemical components from the project's TOG emissions, ARB speciation profiles were used to subdivide the estimated TOG impacts into their individual chemical species. Each chemical species has an associated acute non-cancer REL, which is the amount of that species below which that species will not have an acute non-cancer effect. Separate estimates were made for the potential chemical species hazards from the project's gasoline vehicles and diesel vehicles. This discussion and the results are provided in Section 5.2, Impact Analysis, and in Impact AIR-4 Sensitive Receptors of the revised analysis (FEIR Volume 2 Appendix D). The results demonstrate that even during the worst-case condition (assuming that the project would be fully built out in 2012), the project's maximum acute non-cancer hazard was found to be 0.07, substantially less than the SCAQMD's significance threshold of 1.0 at any location examined including residences, schools, and health care facilities.

Ultrafine Particles: The commenter indicates that the DEIR fails to adequately disclose and analyze ultrafine particles (UFP) from the project.

The commenter states, "Scientific research pointing to the adverse health effects from UFPs, especially on children, has continued to grow." The commenter then references the "2012 AQMD Draft Program EIR." It is presumed that the reference is for the 2012 Air Quality Management Plan (AQMP), Chapter 9. However, the 2012 AQMP also states, "New toxicological and epidemiological studies targeting exposure to controlled and uncontrolled emissions from gasoline and diesel vehicles are needed to better characterize the exposure-response relationships to UFPs and to help develop

health guidelines and potential regulations.” Although there have been some studies, more are needed in order to identify a level of concern or threshold.

The commenter states that the DEIR “does not account for the wider dispersion zone of UFPs compared with larger particles (PM_{2.5} and PM₁₀). UFPs are 0.1 micron or less in size and will travel farther from the project than larger particulates.”

Information regarding UFP has been added to the revised analysis and in the FEIR. However, UFP are not quantified and a significance finding is not presented in the FEIR. This is because the ARB, SCAQMD, and the EPA do not have standards, thresholds, consensus regarding how to standardize particle measurements, approved methodology to estimate emissions of UFP, or mathematical models to estimate the dispersion of these particles. The SCAQMD states further (Page 9-35) of the SCAQMD 2012 Air Quality Management Plan²³ “Currently, U.S. EPA notes that, in their assessment, there is not sufficient health evidence to support a separate standard for UFPs.” Thus, even if UFP were able to be quantified, there would be no standard or threshold to which it could be compared, so the significance of such emissions would be speculative.

Response to Comment E-3-7. The commenter provides a discussion indicating that the cancer risk analysis contained in the DEIR underestimates the cancer risk to children by not accounting for the greater sensitivity of children to exposures to toxic air contaminants compared with adults. The commenter points to the need to apply age-specific sensitivity factors and an appropriate exposure time period to assess cancer risks to students.

As discussed in Master Response-2 and Section 4.3 of the EIR, new technology diesel exhaust does not contribute to cancer. Nonetheless, the revised health risk assessment now fully incorporates the Current OEHHA Guidance recently adopted age sensitivity factors to address potential exposures to school-age children from air emissions from the project. The assessment of school-age health risks is discussed in FEIR Section 4.3.3 Risk Assessment Methodology. As discussed therein, the assessment accounted for the duration that children could potentially be exposure during their time at school. For this purpose, the assumptions applied in estimating cancer risks to school-age children were:

Time at School: 180 days per year
School Day: 9 hours per day
School Duration: 9 years
Daily Breathing Rate: 745 liters per kilogram per day as representative of school-age children at the 95th percentage breathing rate
Age Sensitivity Factor: 3

As noted above, the commenter also requested that the DEIR be revised to include exposure durations and age sensitivity factors that more appropriately assess the cancer risks to school-age children. These factors have been included as part of the Current OEHHA Guidance for estimating cancer risks. Age sensitivity factors have been developed by the OEHHA and apply to children in the context of the Current OEHHA Guidance includes both early-life exposures that may result in the occurrence of cancer during childhood and early-life exposures that may contribute to cancers later in life.

Cancer risks were estimated at 36 elementary, middle, and high schools located within the City of Moreno Valley applying the methodologies discussed above. The results of the risk calculations are shown in Table E-3.A (FEIR Volume 2 Appendix D). The results indicate that the SCAQMD cancer risk

²³ SCAQMD 2012. Air Quality Management Plan. Chapter 9. Near Roadway Exposure and Ultrafine Particles. Website: <http://www.aqmd.gov/aqmp/2012aqmp/Final-February2013/Ch9.pdf>

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

significance threshold would not be exceeded at any of the schools analyzed, based on the exposure durations appropriate to school-age children. The results of this school-age risk assessment are provided in the table below and are contained in the revised analysis.

Table E-3.A: Estimated Cancer Risks at Nearby Schools				
School Name	Address in Moreno Valley	Estimated Cancer Risk⁽¹⁾(risk per million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Significance Threshold?
Alessandro School	23311 Dracaea Avenue	1.1	10	No
Armada Elementary School	25201 John F Kennedy Drive	1.0	10	No
Badger Springs Middle School	24750 Delphinium Avenue	0.9	10	No
Bear Valley Elementary School	26125 Fir Avenue	2.0	10	No
Box Springs Elementary School	11900 Athens Drive	0.9	10	No
Butterfield Elementary School	13400 Kitching Street	1.3	10	No
Chaparral Hills Elementary School	24850 Delphinium Avenue	0.9	10	No
Cloverdale Elementary School	12050 Kitching Street	1.5	10	No
Creekside Elementary School	13563 Heacock Street	0.9	10	No
Edgemont Elementary School	21790 Eucalyptus Avenue	0.8	10	No
El Potrero Elementary School	16820 Via Pamplona Drive	1.0	10	No
Hendrick Ranch Elementary School	25570 Brodiaea Avenue	1.2	10	No
Honey Hollow Elementary School	11765 Honey Hollow Street	1.0	10	No
La Jolla Elementary School	14745 Willowgrove Place	2.0	10	No
Landmark Middle School	15261 Legendary Drive	1.7	10	No
Lasselle Elementary School	26446 Krameria Avenue	0.9	10	No
March Mountain High School	24551 Dracaea Avenue	1.1	10	No
Midland Elementary School	11440 Davis Street	1.1	10	No
Moreno Elementary School	26700 Cottonwood Avenue	1.9	10	No

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table E-3.A: Estimated Cancer Risks at Nearby Schools

School Name	Address in Moreno Valley	Estimated Cancer Risk⁽¹⁾(risk per million)	SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Significance Threshold?
Moreno Valley High School	23300 Cottonwood Avenue	0.9	10	No
Mt View Middle School	13130 Morrison St	2.0	10	No
North Ridge Elementary School	25101 Kalmia Avenue	1.2	10	No
Palm Middle School	11900 Slawson Avenue	1.5	10	No
Ramona Elementary School	24801 Bay Avenue	1.1	10	No
Rancho Verde High School	17750 Lasselle Street	0.4	10	No
Ridgecrest Elementary School	28500 John F. Kennedy Drive	3.2	10	No
Seneca Elementary School	11615 Wordsworth	1.0	10	No
Serrano Elementary School	24100 Delphinium Avenue	0.8	10	No
Sunnymead Elementary School	24050 Dracaea Avenue	1.0	10	No
Sunnymead Middle School	23996 Eucalyptus Avenue	1.1	10	No
Towngate Elementary School	22480 Dracaea Avenue	0.8	10	No
Valley Christian School	26755 Alessandro Boulevard	1.6	10	No
Valley View High School	13135 Nason Street	2.1	10	No
Victoriano Elementary School	25650 Los Cabos Drive	0.9	10	No
Vista del Lago High School	15150 Lasselle Street	1.2	10	No
Proposed high school	Ironwood Avenue and Quincy Street	3.4	10	No

Note:

¹ The highest 9-year average occurs once the project commences construction in 2015; therefore the cancer risk was determined over the 9-year time period from 2015 to 2023

Source: Air Quality, Greenhouse Gas, and Health Risk Assessment, 2015.

Response to Comment E-3-8 The commenter requests that the DEIR be revised to include additional efforts to adequately characterize and mitigate the cancer and non-cancer health risks associated with diesel PM for the project.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

This comment is addressed in Master Response-2: Health Effects of Diesel Particulate Matter and responses to other comments contained in Comment Letter C-3. The DEIR and the revised analysis examined in great detail the potential impacts of the project and identified both project design features and mitigation measures that would minimize the project's air quality impacts. Among the many mitigation measures designed to reduce the project's emissions include the following:

- The project has committed to requiring all diesel trucks to meet model year 2010 engine standards, the cleanest diesel engines available (see project design feature on page 3-33 of the DEIR, Mitigation Measure 4.3.6.3B(I) in the revised analysis, and Section 12.2 Engine Restrictions of the World Logistics Specific Plan).
- Limiting idling time of all diesel trucks to 3 minutes in accordance with proposed mitigation.
- Use of natural gas fired emergency generators.
- Use of yard hostler trucks that meet either Tier 4 or model year truck engine standards, the cleanest truck engines.
- Pallet jacks, forklifts, and other onsite equipment used during building operation (indoors or outdoors) shall be powered by electricity, natural gas, propane, or other non-diesel fuel.
- Use of off-road construction equipment greater than 50 horsepower meeting Tier 4 standards (MM 4.3.6.2A).
- Prohibiting heavy trucks from traveling on Redlands Boulevard south of Eucalyptus Street to keep trucks away from local residential areas; Cactus Avenue will be designed to prohibit use by heavy trucks.

Response to Comment E-3-9. The commenter suggests that additional mitigation projects be developed that would balance community needs with goods movement to and through the project. Please see the FEIR Mitigation Monitoring Reporting Program for a list of the project's mitigation measures.

Suggested Mitigation Measure	Response
The project could have a mitigation grant program. The Mitigation Grant Programs that the Ports of Long Beach and Los Angeles have funded and successfully implemented to address air quality impacts to schools and other receptors. The Port of Long Beach has committed over \$17 million for mitigation grant programs.	Not Included. As part of the revised Health Risk Assessment (HRA), a standard 9-year exposure analysis was conducted for the school sites, including modifications recommended by the Moreno Valley Unified School District (see Response to Comment E-3-7). No significant impacts were found (the incremental cancer risk was less than 10 in a million) and, therefore, no additional mitigation is necessary at those locations. In addition, there is no nexus nor can proportionality be established between a fixed percentage of project development costs and the funding of undetermined mitigation measures. In fact, neither Southern California port is considering a fixed percentage of project development costs to fund a mitigation program. Also see Master Response-5 regarding why air filtration systems are not feasible.
The project could fund high efficiency air filtration installations in local schools. The Port of Long Beach funded installation of high efficiency air filters in local schools in the amount of more than \$3 million.	
The project could fund the installation of new energy efficient windows and doors with low air leakage for offsite sensitive receptors.	
The project could install landscaping with air filtration benefits.	Not Included. It is not clear from the comment whether the commenter is suggesting this for offsite or onsite. If onsite, the project would plant a wide variety of landscaping features. However, the benefits of such landscaping in reducing pollutant impacts is highly variable depending on landscape variety, age, spacing, leaf density, and wind speed.

Response to Comment E-3-10. The commenter indicates that the greenhouse gas emissions as estimated in the DEIR are approximately 700,000 metric tons carbon dioxide equivalent (MTCO_{2e}) per year at buildout.

The greenhouse gas emissions analysis has been revised based on the use of forecasted project traffic volumes along the local and regional roadway network (see Master Response-1 in Letter C-3).

The commenter indicates that the greenhouse gas section does not provide an analysis on how this level of greenhouse gas emissions will impact the surrounding area or region. There are no models available to identify how the relatively small quantity of project emissions will influence the surrounding area. The current climate models look at the global climate and global emissions. The project's emissions compared with global emissions are relatively small; the emissions would not be perceptible in the global climate models. Pages 4.7-5 and 4.7-6 of the DEIR explain potential climate change effects to California. Pages 73 through 76 of Appendix D to the DEIR explain potential climate change effects (reduction in water supply, increased wildfires, flooding) to Moreno Valley.

The commenter indicates that the greenhouse gas section should evaluate consistency with the Southern California Association of Government (SCAG) strategies to reduce vehicle miles traveled in the region. Table 4.7.D in the DEIR identifies these strategies as well as the responsible party for implementing those strategies. The DEIR at page 4.7-22 states, "Many of the strategies are similar to the project's mitigation measures and project design features." This table has been expanded in the FEIR to demonstrate that the project is consistent with those strategies.

The commenter indicates that "SCAG's 2012 Regional Transportation Plan/ Sustainable Communities Strategy (RTC/SCS) uses substantially different assumptions for population and employment for the site per the adopted Moreno Highlands Specific Plan. Therefore, consistency of the project must be analyzed with respect to the 2012 RTC/SCS." A comparison of emissions for the Moreno Highlands Specific Plan and the project is shown in the FEIR (the alternatives section). In addition, it is unknown if the SCAG's SCS used the Moreno Highlands Specific Plan variables in its modeling.

Although there is only one mitigation measure required to reduce greenhouse gas (GHG) emissions, other mitigation measures and project design features in the DEIR would also reduce GHG emissions, as shown in Table 4.7.H in the DEIR and Table 4.7.I in the FEIR.

The commenter indicates that project design features that reduce GHG emissions should be outlined in the mitigation program to ensure enforceability. The project design features are included in the WLCSP and will be enforced in tenant leases.

Response to Comment E-3-11A. See Response to Comment E-3-7.

Response to Comment E-3-11B. DEIR Section 4.8.2.2, State Regulations – California Code of Regulations addresses the threshold for businesses to prepare a Hazardous Materials Business Emergency Plan. The California Hazardous Materials Management Act (HMMA) requires that businesses handling or storing certain amounts of hazardous materials prepare a Hazardous Materials Business Emergency Plan (HMBEP), which includes an inventory of hazardous materials stored on site (above specified quantities), an emergency response plan, and an employee training program. An HMBEP is a written set of procedures and information created to help minimize the effects and extent of a release or threatened release of a hazardous material. The intent of the HMBEP is to satisfy federal and State Community Right-to-Know laws and to provide detailed information for use by emergency responders.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Per the California Health and Safety Code (HSC), Chapter 6.95, Section 25500–25532, an HMBEP must be submitted by any business that handles a hazardous material or a mixture containing a hazardous material in quantities equal to, or greater than:

- A total weight of 500 pounds or a total volume of 55 gallons;
- 200 cubic feet of a compressed gas at standard temperature and pressure; and/or
- A radioactive material handled in quantities for which an emergency plan is required pursuant to Parts 30, 40, or 70 of Chapter 10, Title 10, Code of Federal Regulations (CFR), or equal to or greater than the amounts specified above, whichever amount is less.

An HMBEP must be prepared prior to facility operation. Any business subject to HMBEP requirements shall submit an amendment of its HMBEP to the local implementing agency when there is: A 100 percent or more increase in the quantity of a previously disclosed hazardous material; Any handling of a previously undisclosed hazardous material subject to the inventory requirements; Change of business address; Change of ownership; Change of business name; and/or Change of contact information.

In addition, any business subject to HMBEP requirements is also required to certify the inventory of hazardous materials handled at the business every year. Businesses are also required to review their HMBEP at least once every three years to determine if a revision is necessary. Once the review has been conducted, the business must certify in writing to the local implementing agency that a review has been completed and necessary changes were made. For businesses within the City of Moreno Valley, HMBEPs are submitted to and approved by the County of Riverside Community Health Agency, Department of Environmental Health.

Response to Comment E-3-11C. The California Department of Education (CDE) requires a Pipeline Risk Assessment to be conducted for all high-pressure pipelines within 1,500 feet of a proposed elementary or secondary school. No elementary or secondary schools currently exists, nor are any proposed, within 1,500 feet of the project and, therefore, no pipeline risk assessment is required. Relocation of existing natural gas lines is discussed at page 4.16-38 of the DEIR.

It should be noted that the California Public Utilities Commission (CPUC) ensures that the state's natural gas pipeline systems are designed, constructed, operated, relocated and maintained according to safety standards set by the CPUC and the federal government. CPUC gas safety inspectors are trained and certified by the federal government. The CPUC enforces safety regulations, inspects utility work, including the relocation of existing lines, and makes necessary additions and changes to regulations for promoting the safety of the public and the utility employees that work on the gas pipeline systems.

The CPUC created a comprehensive, high-level, Gas Safety Action Plan (<ftp://ftp.cpuc.ca.gov/safety/GasSafetyPlanApril2013.pdf>) to guide and promote the CPUC's shift in culture from the traditional compliance model to a regulatory structure that sets, monitors, and enforces rules for regulated utilities based on risk assessment and risk management. San Diego Gas and Electric company, which is regulated by the CPUC, currently provides, and will in the future provide, natural gas to the project site. The Gas Safety Action Plan also tracks the CPUC's implementation of improvements responsive to recommendations made by the Independent Review Panel and the National Transportation Safety Board in response to the tragic Pacific Gas and Electric (PG&E) San Bruno pipeline explosion that occurred on September 9, 2010. As part of the Plan, the CPUC engages in an in-depth review of its current practices and procedures to seek areas for improvement in gas pipeline safety.

All new and reconstructed gas piping systems and facilities are to be designed and tested according to the requirements of Title 49 CFR part 192 (PHMSA US Department of Transportation Pipeline and Hazardous Materials Safety Administration). These standards must be followed in connection with the

relocation of any lines and therefor compliance with the required regulations will reduce the risk of an accident to insignificance.

Response to Comment E-3-12. The commenter did not provide any empirical evidence to support the contention that the additional jobs created by the WLC project over the long-term would induce substantial housing or population growth in the City. The project economic studies, included in Appendix O of the DEIR, with revised versions in Appendix O of the FEIR, indicate that new jobs in the WLC project would most likely be filled by existing City residents who are currently out of work (i.e., the City's current unemployment rate varied from 10.7 to 13.3 percent during 2013 (Economagic.com website 2013)). In addition, Section 4.13, *Population and Housing*, of the DEIR discusses the potential housing and population impacts of the WLC project, both direct and indirect, and concludes those impacts are less than significant. According to the District's own School Facilities Impact Fee Justification Reports, industrial uses, especially warehouses, do not generate substantial amounts of new students who would attend local schools. In addition, according to Government Code Section 65995(h), payment of school impact fees is complete and full mitigation so there is no significant impact on the District.

Response to Comment E-3-13. The commenter asked that a figure showing the truck routes to the SR-60 and I-215 freeways be added. They also request that the safety impact of truck trips near schools be analyzed. The commenter also expressed concern about traffic noise near schools.

Figure 8 (FEIR Volume 2 Appendix L-1) has been added to the TIA showing the designated truck routes in and around Moreno Valley. An additional section (Chapter 12, Section B) has been included in the TIA to analyze potential project safety impacts on roads near schools. An additional memorandum dated July 2014 has been written to address the newly proposed high school site # 5 located north of the SR-60. No significant impacts were found. There are very few locations where considerable volumes of project traffic cross pedestrian traffic of any significance near schools. At these locations appropriate safety measures are already in place. Section 4.12 Noise of the EIR examined noise impacts of project traffic, including passenger vehicles and trucks, along the city streets and freeways analyzed in the TIA.

Response to Comment E-3-14. The EIR accurately express the many potential environmental impacts of the proposed WLC project and recommend appropriate feasible mitigation measures. For information on potential recirculation, see Response to Comment E-3-1. As a commenting responsible agency, the District will have a chance to review draft responses to all comments on the DEIR before action is taken on the project, as required under California Environmental Quality Act (CEQA).

Response to Appendix 1. This appendix provides the locations of the nearby schools in relation to the estimated cancer risks from the project as shown in the DEIR. In the revised analysis, an assessment was done that specifically addresses impacts to schoolchildren based on their representative exposures to air pollutants while attending school. The results of this analysis are provided in Response to Comment E-3-6.

Letter E-4: City Of San Jacinto (April 9, 2013)

**RECEIVED****APR 09 2013**CITY OF MORENO VALLEY
Planning Division

April 8, 2013

Mr. Mark Gross, AICP
Planning Division
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Dear Mr. Gross,

The City of San Jacinto is pleased to provide this letter in response to the City of Moreno Valley's circulation of the Draft EIR for the World Logistics Center development project. We appreciate the opportunity to review and comment about such a large development, which will have a significant impact to the region.

At this time, the City of San Jacinto does not have any specific comments to offer regarding the environmental impacts discussed in the Draft EIR. We do note that the project will have many significant impacts to traffic congestion on both freeways and surface streets in the area, including roadways outside of Moreno Valley's city limits. The City of San Jacinto is interested in working with other local agencies and the developer to mitigate this project's impact by establishing a method for the finance and construction of infrastructure improvements outside of Moreno Valley. We ask that San Jacinto staff be invited to participate in all future efforts along these lines.

Thank you for the opportunity to comment on the World Logistics Center project.

Sincerely,

Tim Hults
City Manager

1

RESPONSES TO LETTER E-4

City of San Jacinto

Response to Comment E-4-1. The City of Moreno Valley thanks the City of San Jacinto for its positive and constructive comments, and looks forward to working with the City of San Jacinto and others on an appropriate offsite traffic mitigation program.

Letter E-5: City of Redlands (October 7, 2013)



DEVELOPMENT SERVICES
DEPARTMENT

City of REDLANDS

Incorporated 1888
210 E. Citrus/P.O. Box 3005, Redlands, CA 92373
909-798-7555 ext. 2

OSCAR ORCI
Development Services Director

ROBERT D. DALQUEST, AICP
Assistant Development Services Director

October 7, 2013

John Terell, Planning Official
14177 Frederick Street
Moreno Valley, CA 92553

Re: Review and Comments on the World Logistics Center Project DEIR

Dear Mr. Terell

Thank you for the opportunity to comment on the World Logistics Center Draft Environmental Impact Report (DEIR) prepared by the City of Moreno Valley. The City of Redlands has concerns regarding the traffic analysis, particularly the road segments of San Timoteo Canyon Road and Alessandro Road. The DEIR fails to mention the circulation issues and policies for this area that are addressed within the City of Redland's General Plan. Staff from the City of Redlands, Development Service Department, offers the following responses:

- Intersections identified to be within the City of Redlands' jurisdiction include:
 - San Timoteo Canyon Road/Alessandro Road (Intersection -132)
 - San Timoteo canyon Road/Live Oak Canyon Road (Intersection -133)
 - W Crescent Avenue/Alessandro Road (Intersection-135)
 - W Sunset Drive/Alessandro Road (Intersection-136)

The City of Redlands General Plan policies that are not addressed in the DEIR are as follows:

5.20a Maintain LOS C or better as the standard at all intersections presently at LOS C or better

The DEIR identifies existing LOS at intersections No. 135 and 136 as operating with an LOS C or better; however, as indicated in Tables 4.15E, 4.15N, 4.15S, 4.15AN and 4.15AN, 4.15 AS-1 and 4.15 AS-2, the LOS Standard for these two intersections is LOS D. This is not consistent with policy 5.20a; and therefore the project must mitigate this increase in LOS to LOS C, or the project is found to be inconsistent with the Redlands General Plan.

5.20c Where the current level of service at a location within the City of Redlands is below the Level of Service (LOS) C standard, no development project shall be approved that cannot be mitigated so that it does not reduce the existing level of service at that location

1

2

The DEIR identifies the intersections of San Timoteo Canyon Road/Alessandro Road and San Timoteo Canyon Road/Live Oak Canyon Road as significant and unavoidable. The DEIR states that these intersections already exceed the LOS threshold in both the am and pm peak hours and traffic using the intersection would experience longer delays under Existing Plus Project conditions. Signalizing this intersection would reduce project impacts to a less than significant level. However, because the intersections are outside of the jurisdiction of the City of Moreno Valley and because no mechanism is in place for ensuring the availability of the non-project portion of the needed funds, the City of Moreno Valley cannot ensure that the identified improvements would be made. The project's impacts on this intersection must therefore be considered significant and unavoidable. This is inconsistent with Redlands General Plan policy 5.20c, and the project should be required to mitigate this intersection before the project is operational.

2

Alessandro Road is designated as a collector and pertains to the following policies:

5.32a Design collector streets and implement traffic control measures to keep traffic on collectors at 3,000 vehicles per day or less, where possible.

The DEIR fails to address this policy for Alessandro Road and projected traffic exceeds the 3,000 vehicles per day limitation for collector streets. This is inconsistent with Redlands General Plan policy 5.32a.

3

5.32e Avoid adding traffic to streets carrying volumes above the standards in Policies 5.20a, b, c and consider traffic control measures where volumes exceed the standards and perceived nuisance is severe.

According to the DEIR, LOS for existing (2012), 2017 without project and 2022 without project scenarios state that intersection 135 and 136 exceed the LOS of D for AM and PM peak hour. This is not consistent with Redlands General Plan policy 5.32e. Furthermore, the mitigation proposed within the DEIR fails to restore LOS to acceptable levels.

5.71 Southeast Area Circulation Issues and Policies

5.71c addresses the design of future roadways in the Southeast Area

The Redlands General Plan section 5.71 addresses circulation issues and policies specific to the Southeast Area of Redlands, in San Timoteo and Live Oak canyons. The DEIR fails to address this section within the circulation section; in particular Alessandro Road. The Alessandro Road bridge and its northern approach currently appear marginal and require major revision. The bridge width is inadequate to accommodate even the lowest projected traffic volumes and needs to be widened, and that the curve to the north of the bridge needs to be straightened out. The Traffic Section of the DEIR fails to address the current condition of Alessandro Road Bridge. Consideration should be given to the realignment of the roadway, widening of the bridge, and possibly the need for a relocated bridge.

4

Based on the above comments, the City of Redlands is opposed to the project as it is inconsistent with the Redlands General Plan, and poses traffic impacts that are considered significant and unavoidable, and no mitigation is proposed to reduce these significant impacts to a less than significant level. In addition, the City of Redlands requests that all notices regarding CEQA or public hearings on this project be sent to the City of Redlands. Your considerations of the City of Redlands comments are greatly appreciated.

5

Sincerely,



Tabitha Kevari
Associate Planner, Development Services Department

RESPONSES TO LETTER E-5

City of Redlands

Response to Comment E-5-1. The commenter states that the City of Redlands has concerns regarding the Draft Environmental Impact Report (DEIR). The concerns center on the four study intersections within the City of Redlands, namely: San Timoteo Canyon Rd/Alessandro Rd. (IN-132), San Timoteo Canyon Rd/Live Oak Canyon Rd. (IN-133), W. Crescent Ave. /Alessandro Rd (IN-135), W. Sunset Dr. /Alessandro Rd. (IN-136).

The commenter's general statement is acknowledged; responses are provided to comments about the specific intersections below.

Response to Comment E-5-2. The commenter states that Redlands General Plan sets a target Level of Service (LOS) for all intersections of LOS C or better, whereas the Traffic Impact Analysis (TIA) states that the target LOS is D for Intersection (IN)-135 and IN-136. The comment also states that where the current LOS at a location in the City of Redlands is below the LOS C standard, no development project shall be approved that cannot be mitigated so that it does not reduce the existing LOS at that location. The TIA states that the LOS for IN-132 and IN-133 already exceed the target LOS. The project should be required to mitigate this intersection before the project is operational. The TIA says that the project's impact at these intersections is significant and unavoidable because the intersections are outside of the jurisdiction of the City of Moreno Valley.

The TIA has been revised to show a target LOS of C for IN-135 and IN-136 refer to Final Environmental Impact Report (FEIR) Volume 2 Appendix L-1. Both of these intersections have LOS C or better under both Existing Plus Project and 2035 Plus Project conditions, so the project has no direct or cumulative impact at either location. There are deficiencies in later years that are due to other development projects anticipated in the future.

The World Logistics Center (WLC) project cannot be held responsible for rectifying the existing deficiencies at IN-132 and IN-133. The TIA correctly assigns the project the responsibility for its fair share of the cost of improvements, and includes the payment of a fair share fee to mitigate project impacts to transportation facilities outside of the City of Moreno Valley (see Mitigation Measure (MM)-Trans-5 FEIR Volume 2 Appendix L-1). As stated in the revised TIA, since the City of Moreno Valley cannot guarantee the implementation of improvements for facilities not under its jurisdiction, impacts at these intersections must be identified as significant and unavoidable.

Response to Comment E-5-3. The commenter states that the TIA shows that the LOS for IN-132 and IN-133 would exceed the target LOS under Existing, 2017 No Project, and 2022 No Project conditions. This is not consistent with Redlands General Plan Policy 5.32e. The proposed mitigation fails to restore the LOS to acceptable levels.

As stated in the comment, the LOS problem already exists and this existing deficiency would continue into the future whether the WLC is built or not. The WLC project cannot be held responsible for correcting existing deficiencies. The TIA correctly assigns the project the responsibility for its fair share of the cost of improvements, and includes the payment of a fair share fee to mitigate project impacts to transportation facilities outside of the City of Moreno Valley (see MM-Trans-5 FEIR Volume 2 Appendix L-1). As stated in the revised TIA, since the City of Moreno Valley cannot guarantee the implementation of improvements for facilities not under its jurisdiction, impacts at these intersections must be identified as significant and unavoidable.

Response to Comment E-5-4. The commenter states that the TIA fails to address the current problems of Alessandro Road. The comment says that the Alessandro Road Bridge and its northern

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

approach currently appear marginal and require major revision. The bridge width is inadequate to accommodate even the lowest projected traffic volumes and needs to be widened, and the curve north of the bridge needs to be straightened out. Consideration should be given to the realignment of the roadway, widening the bridge, and possibly relocating the bridge.

The problems cited in this comment are of long standing; the comment's statement that, "*the bridge and its northern crossing currently appear marginal and require major revision*" comes from the Redlands' General Plan dated August 1998, as does the statement that, "*the bridge width is inadequate to accommodate even the lowest projected traffic volumes and needs to be widened, and the curve north of the bridge needs to be straightened out.*" The WLC project cannot be held responsible for correcting existing deficiencies. The TIA correctly assigns the project responsibility for its fair share of the cost of improvements, and includes the commitment of the City of Moreno Valley to work with the City of Redlands to establish a mechanism for collecting this fee (see MM-Trans-5 FEIR Volume 2 Appendix L-1). As stated in the TIA, since the City of Moreno Valley cannot guarantee the implementation of improvements for facilities not under its jurisdiction, impacts at these intersections must be identified as significant and unavoidable.



Exhibit E-5-1: The Alessandro Road Bridge and Curve

Response to Comment E-5-5. The commenter states that the City of Redlands is opposed to the project as it is inconsistent with the Redlands General Plan, has impacts that are significant and unavoidable, and does not propose to mitigate these impacts to less than significant levels. The comment also requests that all notices regarding CEQA or public hearings on the project be sent to the City of Redlands.

As stated in the responses to earlier comments in this letter, the City of Redlands cannot assign responsibility for fixing its existing road problems to warehouse projects in other cities. This is particularly notable considering that the City of Redlands continues to approve warehouse projects in their own city that would have a more direct impact on the deficient roads, such as the City of Redlands City Council's recent (September 2013) approval of a million square-foot warehouse.

The City of Redlands will be provided with all CEQA or public hearing notices regarding the proposed project.

F. LETTERS FROM COMMUNITY/CONSERVATION GROUPS

Letter F-1: Center For Biological Diversity/San Bernardino Valley Audubon Society (April 5, 2013) and Appendices 1-67 (on Flash Drive)



San Bernardino Valley
Audubon Society

VIA Email and USPS

Mark Gross
City of Moreno Valley
Community and Economic Development Department
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
MarkG@moval.org

April 5, 2013

**Re: Comments on the Draft Environmental Impact Report for the
World Logistics Center Project, State Clearinghouse No. 2012021045**

Dear Mr. Gross,

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 41.6 million square feet on 2,710 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 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 EIR also fails to analyze a range of environmental impacts, mitigation measures, and alternatives. At a minimum, the EIR 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.

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The Center for Biological Diversity 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 500,000 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.

I. THE EIR FAILS TO PROVIDE AN ADEQUATE DESCRIPTION OF THE PROJECT AND ITS IMPACTS

The EIR for the Project fails to provide the public with a thorough, properly defined, and finite description of the Project and its environmental impacts. CEQA requires that an EIR analyze the whole of the Project including associated off site impacts and impacts that are further distant in the future. *See* CEQA Guidelines, §§ 15126 (impact from all phases of the project), 15358(a) (direct and indirect impacts). These requirements help ensure that the public and decision makers are reviewing and deciding on the Project know the full scope of the project and its impacts. EIRs that fail to provide these requirements undermine CEQA’s fundamental requirement of public disclosure. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 (an enigmatic or unstable project description impedes public input); *See also San Joaquin Raptor/Wildlife Reserve Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730. Unfortunately, the EIR contains an incomplete project description and analysis that fails to provide the public and decision makers with the necessary information in order to analyze impacts and mitigation measures.

The EIR fails to analyze the whole of the project by, among other things, failing to adequately disclose and analyze off-site improvements and the impacts of future developments and plot plans to be implemented after approval of the EIR. Off-site improvements are not adequately disclosed, analyzed, or mitigated. The EIR discusses approximately 104 acres of off-site improvements required as part of the Project. (DEIR at 1-5). These improvements include the following: debris Basins easterly of Gilman Springs Road; water reservoirs and access roads located northeast, north, and west of the project site; SR-60 interchange improvements; and roadway, water, sewer, drainage, and utility improvements extending north and west from the project. (DEIR at 3-19, 3-25). However, the exact locations, impacts, and mitigation for these off site improvements is not disclosed or analyzed. Where the EIR does contain analysis, it is perfunctory and defers any substantive analysis to a later date.

The EIR contains many failures to analyze and mitigate offsite impacts. Offsite improvements could potentially impact jurisdictional wetlands and should be analyzed. (DEIR at 4.4-59). Studies for the DEIR recognize that offsite improvements east of Redlands Boulevard may potentially impact drainage features likely considered jurisdictional by regulatory agencies. (DEIR App. E at 125). However, analysis of these impacts is deferred until another date and deprives the public and decision makers of a full and complete analysis of the project or its impacts. Even though these impacts are considered potentially significant, no analysis occurs.

6

The EIR fails to analyze the impacts to cultural, paleontological, and geotechnical off site impacts. The EIR defers analysis of these impacts to future studies when cultural resource assessments, paleontological resource assessments, or geotechnical constraints assessments “will be conducted.” (DEIR at 1-16 through 1-19). The EIR further fails to adequately disclose and analyze the significant off-site traffic improvements that would be required and their subsequent impacts. A Project of this scale would have tremendous off site improvements resulting in a broad range of impacts. The EIR’s failure to fully disclose and mitigate those impacts violates CEQA.

7

The EIR’s attempt to address off site impacts by employing a nebulous and narrow “off site analysis zone” doesn’t cure these impacts. (DEIR at 3-25, 7-27). Many of the off site impacts extend geographically beyond the off site analysis zone and the analysis itself is only focused on impacts to biological resources. So any impacts beyond the geographic scope of the off site analysis zone are not analyzed or disclosed and any non- biological resource impacts are not analyzed whatsoever. Even if the scope of the analysis covered all of the geographic and resource categories the vague and ill defined nature of the analysis does not allow for a focused site specific analysis.

8

The EIR figure 4.4.1 shows that the 1,000 foot “off-site analysis zone” is drawn not around the 2710 acre Specific Plan area, but around a misleading “CDFW Conservation Buffer Area” that is actually the SJWA itself. This map shows that the biological, jurisdictional, and MSHCP analysis in the EIR and Appendix were done with the wrong assumptions as to the project site and its boundaries. The erroneous “CDFW Conservation Buffer Area” must be removed from the EIR and all the biological analysis redone.

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The EIR fails to disclose and analyze the project’s impacts from the specific plan and instead improperly defers analysis of impacts to a later approval of plot plans. The EIR proposes a specific plan to allow for the development of 41.4 million square feet of logistics warehousing, up to 200,000 square feet of light logistics uses, and a site for logistics support uses. (DEIR at 7-28). However, the detail regarding the nature, scope, and impacts of that specific plan and the project itself are deferred until later plot plans are proposed. For example, the EIR fails to disclose and analyze impacts to waterways, state or federal jurisdictional waterways, or watercourses. (See *e.g.* DEIR at 4.4-60; DEIR App.E. at 126). Instead of conducting an analysis now the EIR asserts that site specific jurisdictional delineation will occur later when future development will submit grading and drainage studies. (DEIR at 1-38, 4.4-76). The EIR’s failure to depict a stable and complete project and its impacts also leads to a failure to analyze impacts on specific resources as described more thoroughly in Section II below.

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The EIR asserts that this deferral is proper because the jurisdictional delineation is programmatic in nature. (DEIR at 4.4-76). The EIR cannot improperly mask site specific impacts for a specific plan when the impacts should be analyzed at the phase when the whole project is approved, not at a later date when the impacts will be improperly piecemealed to mask the true impacts. The EIR cannot hide behind its own failure to seek out information. CEQA's requires that a lead agency must "use its best efforts to find out and disclose all that it reasonably can" Guidelines §§ 15144.

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The EIR fails to disclose and analyze the nature, scope and impacts of the tentative parcel map. The EIR discloses that a tentative parcel map is being processed to subdivide 1,539 acres of the project site owned by the project applicant. (E.g. DEIR at 7-28.) The EIR further alleges that the parcel map is "for financing purposes only" and would "confer no development rights to the property." (E.g. DEIR at 7-28.) Despite numerous references to the same tentative parcel map there is no further discussion of the location, parcel size, layout, or elaboration of what "for financing purposes" actually means. Furthermore there are no provisions for limiting the development rights to the property that is the subject of the parcel map. The EIR's wholesale failure to provide a good faith analysis of what the tentative parcel map constitutes, the potential impacts of that tentative parcel map approval, and mitigation measures to assure that the parcel map approval confers no development rights runs contrary to CEQA.

12

II. THE EIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE IMPACTS TO BIOLOGICAL RESOURCES

The DEIR 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. The Project is also adjacent to several regionally important wildlife preserves including the San Jacinto Wildlife Area ("SJWA"), the San Jacinto/Lake Perris Core Reserve for the Stephens' Kangaroo Rat Habitat Conservation Plan, and Proposed Core 3 and Existing Core H under the Western Riverside County Multiple Species Habitat Conservation Plan. These areas contain a range of rare, sensitive, threatened, and endangered species that must be fully analyzed in the DEIR. (Morton 2008; CNDDB 2013 El Casco; CNDDB 2013 Lakeview; CNDDB 2013 Perris; CNDDB 2013 Sunnymead). The EIR must fully analyze the direct and indirect impacts of the project on biological resources on the project site as well as neighboring areas.

13

CEQA requires that an EIR adequately describe the environment in the area that will be affected by the project. An EIR must include a description of the physical environmental conditions in the vicinity of the project at the time the environmental analysis is commenced with special emphasis placed on environmental resources that are rare or unique to that region and would be affected by the project. Guidelines § 15125 (a), (c). An "inadequate consideration and documentation" in an EIR "of existing environmental conditions renders it impossible for the FEIR to accurately assess the impacts the project will have on wildlife and wildlife habitat or to determine appropriate mitigation measures for those impacts." *San Joaquin Raptor/Wildlife*

14

Rescue Center v. County of Stanislaus, 27 Cal. App. 4th 713, 722 (internal citation omitted). Unfortunately the EIR fails this requirement.

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A. THE EIR FAILS TO ADEQUATELY ANALYZE RIPARIAN/RIVERINE FEATURES AND JURISDICTIONAL WATERWAYS

The EIR fails to provide an adequate analysis of the significant riparian and jurisdictional areas on the Project site and in the Project vicinity. As noted in Attachment A these remaining and limited wetland and riparian areas are of crucial importance to ecological resources in California. The Project will impact onsite riparian/riverine and jurisdictional areas by increasing non-point source pollution and contamination, altering hydrology, destroying sensitive habitat, and increasing road effects. The EIR fails to properly describe and analyze the total riparian and jurisdictional areas, including a proper jurisdictional delineation under the Clean Water Act §§ 401, 403, Porter Cologne Act (California Water Code § 13000 et seq.), and California Fish and Game Code §§ 1600, 1603.

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One of the EIR's major flaws is the inconsistent and improper description of impacted riparian/riverine resources, the project environment, and the impacts of the project itself. The EIR claims that there are no areas that are subject to the jurisdiction of the U.S. Army Corps of Engineers, or the California Regional Water Quality Control Board. (DEIR at 1-13, 4.4-59, 4.4-76). However, the EIR's own studies contradict this assertion and acknowledge that Drainage Feature 12 "was determined to be jurisdictional waters of the U.S. under Section 404 and 401" of the Clean Water Act. (DEIR App. E at 124-125). The EIR must fully disclose and analyze the impacts to this jurisdictional waterway and discuss the potential alternatives and mitigation measures for this impact prior to project approval.

16

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 (WRCMSHCP, but herein after "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 14. (DEIR App. E at 124, 134-135, 137). 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).

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The EIR fails to conduct the analysis of riparian/riverine features and DBESP analysis required by the MSHCP. Instead, the EIR defers a full analysis of the Project's impacts on riparian/riverine features and a DBESP analysis until the future. (DEIR App. E. at 120, 124, 134-135, 137). Several drainage features, including drainage features 7, 8, 9, and 14, may be

18

subject to the jurisdiction of the California Department of Fish and Wildlife, but site specific jurisdictional delineations, evaluations of impacts, and proposed mitigation measures are deferred. (DEIR at 4.4-76, 1-14, and 1-15). This runs contrary to the requirements of CEQA and the MSHCP regarding the proper timeframe for environmental review and disclosure of a Project's impacts. (MBA 2008; MBA 2009). There is no provision for public input and review when the DBESP is improperly deferred, and the EIR attempts to segment the whole of the project review by improperly avoiding analysis and disclosure of the project being approved.

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The protection of riparian/riverine resources is also required by the City of Moreno Valley General Plan. General Plan Policy 7.4.3 requires that projects "[p]reserve natural drainage courses in their natural state and the natural hydrology, unless the protection of life and property necessitate improvement as concrete channels." (DEIR at 4.4-60). The EIR acknowledges that 14 drainages or basins occur but defers analysis to determine whether the project is consistent with this policy. (DEIR at 4.4-60; DEIR App. E at 126). The EIR cannot ignore local policies regarding the proper protection of natural resources.

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The DEIR also fails to adequately disclose and analyze the riparian and riverine features. The DEIR claims that Drainage feature 14 contains "no native riparian habitat." (DEIR at 4.4-59). However, this is again contradicted by the biological surveys for the project, which indicated that the native habitat of "southern willow scrub" dominated Drainage feature 14 and provides habitat for least Bell's vireo, and southwestern willow flycatcher. (DEIR App. E at 54, 120). Attempts to dismiss the riparian areas in the text of the EIR by asserting that it does not provide suitable habitat for riparian/riverine planning species, when the studies for the EIR acknowledge that the area contains habitat that could be used by native wildlife runs contrary to CEQA. The EIR's incomplete and inconsistent analysis renders the EIR invalid.

20

B. THE EIR FAILS TO ADEQUATELY MINIMIZE AND MITIGATE THE IMPACTS OF LIGHT POLLUTION

The DEIR's conclusion that additional mitigation measures may be necessary for the impacts of light pollution on wildlife is inadequate. (DEIR at 4.4-67). This is insufficient to meet CEQA's requirement of fully disclosing impacts. Pub. Res. Code §§ 21061; 21005(a). CEQA Guidelines mandate that relevant information be presented so that agencies and the public are fully informed as to the ramifications of a project. *See e.g.* Pub. Res. Code § 21005(a). Here, the DEIR fails to adequately analyze and mitigate the impacts to wildlife from light pollution on and adjacent to the Project.

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Light pollution is a major problem that can significantly confuse migratory birds and otherwise disturb and disrupt wildlife foraging and breeding. (CNN, "Light Pollution Threatens National Park," 1999). Light pollution can seriously threaten the continual survival of numerous species; "[t]he cumulative effects of behavioral changes induced by artificial night lighting on competition and predation have the potential to disrupt key ecosystem functions" (Longcore and Rich, 2004). Light pollution is not to be taken lightly in the DEIR, and should be afforded a weighty and detailed analysis.

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Many bird species fly at night, and have evolved to navigate their migration paths in the dark, aided by star and moon light, which is of course blocked by artificial light sources. (American Bird Conservancy, 2008). Further, birds can be attracted to lit structures, including streetlights, and can become disoriented as a result. (American Bird Conservancy, 2008). Disorientation often results in collisions with the lit structures themselves or with other birds, leading to injury and death. (American Bird Conservancy 2008). More than 100 millions birds are affected by collisions each year in North America, and this includes many endangered species. (Deda, et al). Many such catastrophes have been documented, the worst incidents involving hundreds of birds killed at one building in a single night. (American Bird Conservancy, 2008). Bird species can also become “entrapped” within lighted areas, refusing to move for the night, and thus increasing their risk of predation. (Longcore and Rich, 2004).

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Another aspect of light pollution that the DEIR does not address is that some species, including certain birds and reptiles, have begun to utilize artificial lights, such as streetlights to forage underneath for food. (Longcore and Rich, 2004). However, this can increase their risk of predation, as well as increase these species dependence on these human structures. (Longcore and Rich, 2004). The EIR should also analyze the potential for night lighting to impact SKR populations both on and off the Project site. SKR often forages and moves around at night. Natural and artificial lighting impacts kangaroo rats because it inhibits their nocturnal foraging and makes them more susceptible to the chance of predation. (COSEWIC 2006). The EIR must discuss the extent that the proposed lighting will reduce SKR habitat adjacent to the project because of predation or avoidance. Therefore, the presence of street lights within the VOL could actually attract some species into the development, prompting problematic interactions between these species and humans or their pets.

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Plant species are also impacted by light pollution. Plants measure and react to night length, and duration of darkness can manipulate how frequently plants pollinate or flower, how they prepare for dormancy during winter, and even how much photosynthesizing they do. (Deda, et. al). Trees are similarly affected, for instance, an abundance of light pollution can keep a tree from losing its leaves at the correct time. (Deda, et. al). This also impacts animals that depend on these trees for habitat; for instance, birds are prevented from nesting in trees as a result of surrounding light pollution. (Deda, et. al).

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Furthermore, light pollution need not be highly extensive to have a major impact on nearby plants and wildlife. For instance, one study found that desert rodents reduced foraging activity when exposed to the light of a single camp lantern. (Longcore and Rich, 2004). As well, light pollution has far reaching effects; a study of national parks found that artificial lights over *100 miles away* could still affect national parks and their wildlife. (CNN, “Light Pollution Threatens National Park,” 1999). Given this 100 miles perimeter, the buffer of mere acres established in the DEIR is nowhere near sufficient to protect species from light pollution.

26

The DEIR needs to fully disclose these risks; only then can the likely effectiveness of proposed mitigation measures be evaluated when compared to the severity of the risk. Given the impact that light pollution has on wildlife species, particularly migratory birds such as the many species that utilize the SJWA as habitat, the proposed mitigation measures are inadequate to

27

protect against this harm. This is especially true in light of evidence showing that light pollution can be felt as far as 100 miles away.

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The relatively miniscule buffer the DEIR provides here to protect against light pollution is insufficient. Indeed, the DEIR recognizes that the mitigation measures would not fully mitigate the Project's significant cumulative impacts to biological resources from light pollution, (DEIR at 4.4-67), but fails to adequately propose or analyze additional mitigation measures to address that significant impact. CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). The EIR fails to meet this mandate.

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C. THE EIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE AIR POLLUTION

The DEIR's analysis of the impacts of air pollution on biological resources and proposed mitigation is inadequate. (DEIR at 4.4-67 to 4.4-71). This data provided insufficient to meet CEQA's requirement of fully disclosing impacts. Pub. Res. Code §§ 21061; 21005(a). The DEIR recognizes some of the numerous impacts to wildlife that can occur from air pollution. (DEIR at 4.4-67 to 4.4-71). Reduced breeding performance of birds in the area close to air pollution due to the direct impacts of pollution on avian species as well as indirect effects due to reductions in prey. (Eeva 1996; Eeva). Air pollution also contributes increased toxicity and fertility problems due to smaller, lighter and thinner-shelled eggs. (Global Times 2011). Biomarkers of air pollution demonstrate connections between other physiological problems such as impaired bone structure. (Eeva 2000). Air pollution also leads to inheritable genetic mutations in wildlife. (Somers 2002). However, it fails to properly analyze the risks posed to wildlife, and in particular sensitive wildlife in adjacent areas.

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As described in more detail below the DEIR cannot rely on the mitigation measures proposed in the MSHCP to address these impacts. Furthermore, by fabricating a "buffer" that is actually a wildlife area with sensitive resources the EIR improperly minimizes the Project's impacts and engages in a failure to adequately disclose the nature of the existing environment, which prohibits an adequate analysis and mitigation of the Project's impacts.

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D. THE EIR FAILS TO ADEQUATELY MINIMIZE AND MITIGATE THE IMPACTS TO THE WESTERN BURROWING OWL

The Western Burrowing Owl (*Athene cunicularia hypugaea*) is considered to be a Bird of Conservation Concern by the U.S. Fish and Wildlife Service (USFWS). Burrowing Owls are listed as a Species of Concern in California. California's remaining burrowing owls are threatened primarily by habitat loss to urban development, persecution of ground squirrels, and intensive agricultural practices. The state-approved practice of evicting owls from development sites is accelerating local extinction of owls from rapidly urbanizing areas. Other factors contributing to the decline of owls statewide include destruction of burrows through disking and grading, impacts of pesticides, increased predation by nonnative or feral species, habitat

31

fragmentation, and other human-caused mortality from vehicle strikes, electrified fences, collisions with wind turbines, shooting, and vandalism of nesting sites.

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The number of breeding owl colonies located in study areas in California has declined by nearly 60 percent from the 1980s to the early 1990s, and the statewide number of owls is currently thought to be declining at about 8 percent per year due to urban development. Breeding burrowing owls have been extirpated from almost one-quarter of their former geographic range in California over the past two decades. (CBD 2003). Surveys in California in 1986-91 found population decreases of 23-52% in the number of breeding groups and 12- 27% in the number of breeding pairs of owls. (DeSante et al. 1997). In southwestern California studies demonstrating overall decline of the burrowing owl populations also predict extirpation of burrowing owls from southwestern California. (Kidd 2007).

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The EIR fails to adequately account for the Project threats to local and regional populations of the burrowing owl, or adequately mitigate for the loss of burrowing owl populations. Burrowing owls were found on the Project site. (DEIR at 4.4-29; DEIR App. E at 119). The mitigation measures of avoiding burrowing owls when they are present will not mitigate the decline in population and loss of habitat that the project contributes to. Considering the magnitude of threats, and ongoing population decline in the Project area the Project poses a substantial threat to the Burrowing Owl.

33

E. THE EIR'S PROPOSED MITIGATION MEASURES ARE INADEQUATE TO MITIGATE THE PROJECT'S IMPACTS

The EIR relies upon the MSHCP for mitigation of both direct and cumulative biological impacts related to this project. However, the EIR fails to disclose the uncertainty regarding the implementation of mitigation measures contemplated in the MSHCP to provide for the mitigation of potentially significant impacts to biological resources relied upon in the MSHCP and EIR. The failure to require binding and effective mitigation, disclose the uncertainties associated with mitigation, and analyze the provision of other sources of mitigation and the environmental impacts of those mitigation measures violates CEQA.

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In order to address several issues related to the cost, revenue sources, and plan benefits associated with the MSHCP the Western Riverside County Regional Conservation Authority contracted with the RAND Corporation to provide an independent and objective analysis. (RAND 2008). Entitled "Balancing Environment and Development: Costs, Revenues, and Benefits of the Western Riverside County Multiple Species Habitat Conservation Plan" the study revealed some troubling issues related to the ability of projected revenue to acquire lands relied upon by the MSHCP for mitigation and the ability of the MSHCP to achieve the reserve strategy relied upon by the US Fish and Wildlife Service in their Biological Opinion and CEQA analysis.

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First, the RAND study revealed that the operating cost "exceeds the original forecast in MSHCP planning documents by \$345 million (increasing from \$937 million to \$1,282 million)." (RAND 2008 at xxvi). This was due primarily to the failure to integrate costs into the original estimate. (RAND 2008 at xxvi). Second, the expected revenue sources do not correlate to the

36

strategy for acquiring land outlined in the MSHCP, and the RAND study did not conclude that “existing local revenue streams will be sufficient to finance the local share of reserve assembly and operation costs.” (RAND 2008 at xxvii). Notwithstanding these revenue shortages the RAND study further concluded that the “individual acreage goals cannot all be met using the USFWS CRD [conceptual reserve design].” (RAND 2008 at xxx). In other words, the reserve design relied upon by the US Fish and Wildlife Service and California Department of Fish and Wildlife in determining that biological impacts would be mitigated below a level of significance cannot be achieved. The EIR’s failure to disclose, analyze, and plan for the failure of the MSHCP to mitigate impacts does not meet CEQA’s information mandate on disclosure to the decision makers and the public or the substantive mandate to adopt all feasible mitigation measures for potentially significant impacts.

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The DEIR cannot simply rely entirely on the MSHCP because there are areas of significant environmental and public concern that the MSHCP simply does not, and was not meant to, address. This includes the potentially significant impacts from direct deaths to special status species from vehicles. The impacts of vehicular deaths to species such as the Stephen’s Kangaroo Rat or burrowing owl for instance, are nowhere discussed in the DEIR or any supporting document. This is cause for concern as the identified impacts to species such as the burrowing owls from collisions with vehicles is documented within the MSHCP, and this project will significantly increase the amount of traffic in the area. (MSHCP, Volume 2 – Threats to Species). Undoubtedly, there will be vehicular caused death as a result of the project.

37

Additionally, the DEIR presents no information regarding impacts to covered species from pesticide use associated with the project. Pesticide use is currently harming many of the species covered in the MSHCP. (See generally, MSHCP §5.2.1) That the DEIR does not address these issues violates both the MSHCP and CEQA.

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The DEIR cannot simply conclude that it complies with the MSHCP, and that even if the project does comply with the MSHCP, this compliance is enough to ensure that the long-term survival of special-status species will be ensured for the project. Instead, the DEIR needs to provide detailed analysis as to how it specifically complies with all of the MSHCP’s requirements. Further, it must insure that even with MSHCP compliance, and that the project still will not result in significant impacts to biological resources and protected species.

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The EIR improperly treats the state owned property within the San Jacinto Wildlife Area as a buffer to mitigate the Project’s impacts. As the biological studies for the DEIR note, “this land cannot be used as MSHCP compensation for the proposed development...” (DEIR App. E at 101). However, the EIR improperly treats the state owned property within the San Jacinto Wildlife Area as a buffer. The biological studies call for a 400 foot setback within the Project site. (DEIR App. E at 134). However, the DEIR itself calls for only a 250 foot “clear zone” that will still permit project specific impacts related to water detention basins and project landscaping. (DEIR at 4.4-71). The EIR would not create a 400 foot buffer for those project impacts, but allow them up to the edge of the SJWA. The project attempts to fabricate a 400 foot setback by adding 150 foot building setback, which could include parking lots, fences, lighting, or other urban development, to the 250 foot clear zone. (DEIR at 4.4-71). The EIR’s

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attempt to limit the setback and require the SJWA to provide the buffer outlined as mitigation measures in studies for the EIR runs contrary to CEQA's requirement that the EIR adopt all feasible mitigation measures.

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III. THE EIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE IMPACTS TO GREENHOUSE GASES AND GLOBAL CLIMATE CHANGE

The CEQA Guidelines require the lead agency to "make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." Guidelines § 15064.4(a). Under CEQA, an EIR must reflect a good faith effort at full disclosure, including "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, at 405; CEQA Guidelines § 15151. Its purpose is to give government agencies and the public the information needed to make informed decisions, thus "protect[ing] not only the environment but also informed self-government." *Laurel Heights I*, 47 Cal.3d at 392. The EIR fails to adhere to the standards of a good faith analysis to provide informed self government.

41

A. THE EIR FAILS TO ANALYZE CONFLICTS WITH APPLICABLE GREENHOUSE GAS REDUCTION PLANS

The EIR fails to adequately disclose and analyze conflicts with regional greenhouse gas reduction plans. CEQA requires that EIRs address the Project's potential to "[c]onflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases." CEQA Guidelines Appendix G, § VII(b). The studies supporting the EIR admit that the Project would be inconsistent with plans, policies, and regulations related to GHG reductions and result in a significant impact climate change impact. (DEIR App. D at 2, 234). However, the EIR tries to mask this significant impact and inconsistency with applicable plans by stating that the "proposed project is consistent with federal and state GHG reduction strategies, the CARB Scoping Plan, the City's General Plan, and the City's Climate Action Strategy." (DEIR at 1-20, DEIR at 4.7-43). The EIR's internal inconsistency and the failure to properly disclose significant impacts is contrary to CEQA.

42

The EIR specifically fails to adhere to several applicable greenhouse gas reduction plans. For example, the Project fails to comply with the City of Moreno Valley Climate Action Strategy and City of Moreno Valley General Plan policies related to the reduction of greenhouse gas emissions and air quality impacts. (See e.g. DEIR at 4.7-24, 4.7-25). The EIR admits that the Project is not consistent with local climate action strategy R2-E5 regarding New Construction Commercial Energy Efficiency Requirements that Require energy efficient design for all new commercial buildings to be 10% beyond the current Title 24 standards. (DEIR at 4.7-42). The EIR also asserts that it is consistent with vehicle miles traveled reduction strategies related to encouraging the development of transit priority projects along high quality transit corridors identified in the Southern California Association of Governments ("SCAG") Sustainable Communities Plan, to allow a reduction in vehicle miles traveled. (DEIR at 4.7-42). However,

43

the Project is not a transit priority project, not along a high quality transit corridor identified by SCAG, and does not reduce vehicle miles traveled. The EIR's 50 mile average for long haul trucks, which actually undercounts mileage, hardly qualifies for a reduction in vehicle miles traveled.

43

The EIR also incorrectly asserts that it is consistent with the Renewable Portfolio Standard of achieving a 33% renewable energy in California and California's Million Solar Roofs Initiative without requiring any renewable energy to be developed onsite or any requirements for renewable energy to be used for the construction or operation of the Project. The EIR also claims that it is consistent with a Sustainable Communities Strategy when no Sustainable Communities Strategy has been adopted for Riverside County and it fails to apply many of the strategies proposed by SCAG because it asserts they are not applicable to the Project. (DEIR at 4.7-22). Finally, there is no quantitative or logical analysis of how the Project's massive contribution to greenhouse gases could be consistent with the ambitious greenhouse gas reduction standards outlined in Executive Order S-3-05. (DEIR at 4.7-44).

44

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The quantitative data provided by the EIR demonstrates that the sheer volume of emissions provided by the Project prohibit the compliance with greenhouse gas reduction strategies. A simple comparison of Table 4.7.B, which provides the Moreno Valley greenhouse gas reduction targets with Table 4.7.I, which provides the Project greenhouse gas emissions illustrates the Project's significant impacts to local greenhouse gas reduction plans.

4.7.1.4 Greenhouse Gas Inventories

The City of Moreno Valley estimated greenhouse gas emissions for the community for 2007 and 2010 and projected emissions for 2020 are shown in Table 4.7.B, which shows the reduced 2020 emissions are below the reduction target.

Table 4.7.B: City of Moreno Valley Projected Greenhouse Gas Emissions

Source Category	Moreno Valley Greenhouse Gas Emissions (MTCO ₂ e per year)			
	2007	2010	BAU 2020	Reduced 2020
Transportation	517,098	513,581	788,267	421,561
Energy	287,261	277,230	356,192	251,372
Area	69,390	69,437	84,665	73,046
Water and Wastewater	21,595	16,831	20,216	14,158
Solid Waste	44,294	43,633	49,203	38,000
Total	939,638	920,712	1,298,543	798,137
Reduction Target	—	—	798,693	798,693

Notes: MTCO₂e = metric tons of carbon dioxide equivalents BAU = business as usual
Source: Table 9, City of Moreno Valley Greenhouse Gas Analysis, 2012., MBA 2013

Table 4.7.B demonstrates that the total city greenhouse gas reduction targets total 798,693 metric tons of carbon dioxide equivalents per year in 2020.

Table 4.7.I: Project Operational GHG Emissions (Year by Year with Mitigation)

Source	Emissions with Mitigation and Project Design Features (MTCO ₂ e/year)								
	2014	2015	2016	2017	2018	2019	2020	2021	2022
Vehicles	10,638	21,784	28,283	39,632	52,154	57,836	61,228	65,730	66,329
Trucks	51,111	107,099	141,204	199,737	269,134	304,600	328,592	358,109	366,971
Electricity	14,513	30,387	40,428	58,208	79,917	91,993	101,491	110,174	112,888
Natural gas	177	371	494	711	976	1,124	1,240	1,346	1,379
Water	299	626	833	1,199	1,646	1,895	2,090	2,269	2,325
Waste	12,812	26,826	35,690	51,385	70,550	81,211	89,595	97,261	99,657
Refrigerants	182	380	506	728	1,000	1,151	1,269	1,378	1,412
Construction	37,927	31,634	26,947	94,510	41,743	34,665	26,818	26,818	14,471
Sequestration	-14	-30	-40	-57	-79	-90	-100	-108	-111
Total	127,645	219,077	274,345	446,053	517,041	574,385	612,223	662,977	665,321
Threshold	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Significant?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Reduction summary: local vehicles = 3 percent; waste = 35 percent
Source: Michael Brandman Associates 2013.

Table 4.7.I discloses that the 2020 greenhouse gas emissions attributed to the Project are 612,223 metric tons of carbon dioxide equivalents per year in 2020.

The Project's greenhouse gas emissions are 76% of the City's projected 2020 GHG emissions. The EIR must analyze how the Project would impact the ability of the City of Moreno Valley to achieve their greenhouse gas reduction targets. The EIR cannot hide behind the failure to seek out information regarding the emissions methodologies used by the City in

making this determination and whether the project was included in the City's greenhouse gas inventory. A lead agency must "find out and disclose all that it reasonably can". Guidelines § 15144.

46

B. THE EIR FAILS TO ANALYZE THE PROJECT'S FULL GREENHOUSE GAS IMPACTS

The EIR also fails to account for the total greenhouse gas emissions from the Project by omitting sources of energy used by the Project, improperly curtailing the vehicle miles traveled and scope of the traffic analysis, and omitting the analysis of global warming pollutants such as black carbon. CEQA requires that an EIR analyze the whole of the Project including associated off site impacts and impacts that are further distant in the future. *See* CEQA Guidelines, §§ 15126 (impact from all phases of the project), 15358(a) (direct and indirect impacts). The EIR's failure to address the full range of greenhouse gas impacts renders it invalid.

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The EIR must fully disclose and analyze all of the energy used by the project, the pollution resulting from that use and the impacts resulting from that use. The EIR states that over 39 million square feet of industrial facilities will use no natural gas whatsoever. (DEIR at 4.16-36). This attempt to improperly omit energy usage runs contrary to CEQA's project description requirements that energy use by fuel type and end use be provided. CEQA Guidelines Appendix F. The EIR's attempt to omit energy uses from analysis, improperly minimize energy and greenhouse gas impacts, and distort the project description runs contrary to CEQA and analysis of natural gas usage by warehouse facilities. (E Source 2007, East LA College 2009, Center for Energy and Climate Solutions 2012).

48

The EIR improperly minimizes the trip length for vehicle emissions, which omits necessary components of the project's impacts and fails to adequately disclose and analyze the Project's impacts. The Project objective is to "[p]rovide a major logistics center to accommodate the ever-expanding trade volumes at the Ports of Los Angeles and Long Beach." (DEIR at 3-73). Port related long haul trips are 79 miles. (DEIR at App. D at 120, Table 20). However, the "[t]rip length used in regional analysis for long-haul trips 50." (DEIR at App. D at 120, Table 20). The EIR engages in this misleading minimization of impacts by stating that only a small percentage of the trips will be associated with port related traffic. (DEIR at App. D at 120, Table 20). This omits a large number of vehicle miles and their associated air quality impacts for the major project objective of accommodating port related traffic.

49

The EIR also undercounts other long haul routes by setting arbitrarily short distances to regional locations. For example, the EIR sets an arbitrarily short destination for long haul trips of the San Diego County line to the south, the Banning pass to the east, and the Cajon pass to the northeast. (DEIR at App. D at 120, Table 20). The EIR also improperly undercounts local travel by claiming that "the local vehicles travel between 9.6 and 15.4 miles per trip." (DEIR at 4.7-30). These estimates disregard the actual proximity of nearby cities serving the Project. The distance to Riverside is 18 miles; Beaumont is 10 miles, Perris is 21 miles on the freeway, and San Bernardino is 24 miles on the freeway. The EIR also masks full emissions projections by reducing the number of overall trips and truck trips for the facility. Improperly minimizing

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vehicle miles undercounts numerous Project impacts including greenhouse gas emissions, traffic, and air quality. Importantly, the EIR fails to account for impacts air quality impacts within the Salton Sea Air Basin, Mojave Desert Air District, and the San Diego County Air Basin violating CEQA's requirements that an EIR must analyze whether the Project "[v]iolates any air quality standard or contributes substantially to an existing or projected air quality violation." CEQA Guidelines App. G § III(b).

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The EIR must also conduct an analysis and quantification of the greenhouse gas emissions associated with water use related to the project. In order to mitigate the PM pollution from the Project during construction the contractors are required to dampen the graded and exposed material to reduce dust that worsens the existing air quality violations. The Project itself will use water related to landscaping, bathroom and kitchen uses, and cleaning. Transport of water throughout the state is extremely energy intensive. The water sector is the largest consumer of energy in California, estimated to account for 19 percent of total electricity and 32 percent of total natural gas consumed in the state. (CEC 2005). In the present case energy will be used to transport water needed for the project via pumps, to move water to southern California from the San Francisco Delta and Colorado River, and tanker trucks to transport and spray water on the project area.

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The EIR also fails to account for the emissions associated with manufacturing and transport of building materials, and operational goods for the project. For example, construction of 41 million square feet of development will take thousands of cubic yards of construction material including concrete. Cement and concrete manufacture is extremely energy intensive producing a large amount of greenhouse gas emissions. The manufacture of concrete accounts for roughly 3% of California's greenhouse gas emissions. (Masanet 2005). In order to determine ways to reduce greenhouse gas emissions from concrete the Lawrence Berkeley National Laboratory and others have developed methods for analyzing the lifecycle emissions of concrete manufacture. (Manaset 2005, Flower 2007). The EIR also fails to account for the emissions associated with the transportation of goods to the ports that the Project is supposed to serve. (DEIR at 4.7-43).

52

These numbers must be integrated into the greenhouse gas emissions significance determination in order to perform the good faith analysis required under CEQA. CEQA requires that "an agency must use its best efforts to find out and disclose all that it reasonably can" (Guidelines § 15144), that an EIR must make "good faith effort at full disclosure" (Guidelines § 15151), and that an impact may only be deemed speculative "after thorough investigation." (Guidelines § 15145). The EIR cannot prematurely determine that the information is speculative if it does not attempt to compile and analyze the information. (DEIR at 4.7-43). By refusing to include necessary information on Project emissions in the EIR, the City violated the most basic and fundamental requirements of CEQA. *Protect the Historic Amador Waterways*, 116 Cal. App. 4th at 1106 (EIR invalid as a matter of law where "it omits material necessary to informed decision-making and informed public participation.").

53

C. AS PART OF ITS INVENTORY OF GLOBAL WARMING POLLUTION, THE EIR MUST ALSO ANALYZE BLACK CARBON EMISSIONS RESULTING FROM THE PROJECT

As part of its analysis of global warming impacts, the EIR must also address black carbon, an important short-lived pollutant that contributes to global and regional warming. Black carbon is produced by incomplete combustion and is the black component of soot. Although combustion produces a mixture of black carbon and organic carbon, the proportion of black carbon produced by burning fossil fuels, such as diesel, is much greater than that produced by burning biomass.

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Black carbon heats the atmosphere through a variety of mechanisms. First, it is highly efficient at absorbing solar radiation and in turn heating the surrounding atmosphere. Second, atmospheric black carbon absorbs reflected radiation from the surface. Third, when black carbon lands on snow and ice, it reduces the reflectivity of the white surface which causes increased atmospheric warming as well as accelerates the rate of snow and ice melt. Fourth, it evaporates low clouds. Notably, black carbon is often complexed with other aerosols such as sulfates, which greatly increases its heating potential. (Ramanathan & Carmichael 2008; Jacobson 2001).

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Due to black carbon's short atmospheric life span and high global warming potential, decreasing black carbon emissions offers an opportunity to mitigate the effects of global warming trends in the short term. (Ramanathan & Carmichael 2008). Black carbon is considered a 'short-lived pollutant' (SLP) because it remains in the atmosphere for only about a week in contrast to carbon dioxide, which remains in the atmosphere for over 100 years. Furthermore, the global warming potential of black carbon is approximately 760 times greater than that of carbon dioxide over 100 years (Reddy & Boucher 2007) and approximately 2200 times greater over 20 years. (Bond & Sun 2005). It is estimated that black carbon is the second greatest contributor to global warming behind carbon dioxide. (Ramanathan & Carmichael 2008).

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Unlike traditional greenhouse gases, which become relatively uniformly distributed and mixed throughout the Earth's atmosphere, black carbon exerts a regional influence. The impacts of black carbon on a regional level include both atmospheric heating, as discussed above, and hydrological changes. Hydrological changes occur due to alterations in cloud formation and heat gradients. (Ramanathan & Carmichael 2008). For instance, aerosol pollution has been linked to decreases in the summer monsoon season in tropical areas as well as the drought in the Sahel region of Africa. (Ramanathan & Carmichael 2008). California is an area of particular concern because of the drought-fire cycle. The more drought conditions prevail, the more forest fires burn, and the forest fires in turn emit massive quantities of black and organic carbon. The release of these aerosols intensifies the drought effect.

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Another impact of black carbon is accelerated snowmelt; for instance, black carbon is likely contributing to the retreat of Himalayan glaciers and the resulting water shortage in areas of Asia. (Id.). When black carbon settles on snow, it makes the snow darker so that it absorbs more solar radiation. This directly leads to snow melt. In addition, local atmospheric heating

58

due to black carbon increases the melting rate. These same effects may well be operating on the Sierra Nevada, which would reduce water availability throughout California at crucial times of the year. These localized impacts could also be contributing to a decreased snow pack and earlier snow melt for the San Gabriel, San Bernardino, and San Jacinto mountains.

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Black carbon is also detrimental to human health. Black carbon has been linked to a variety of circulatory diseases. One study found an increased mortality rate was correlated with exposure to black carbon. (Maynard 2007). The same is true for heart attacks. (Tonne 2007). Another study found that residential black carbon exposure was associated with increased rates of infant mortality due to pneumonia, increased chronic bronchitis, and increased blood pressure. (Schwartz 2007).

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In developed countries, diesel burning is the main source of black carbon. Diesel emissions include a number of compounds such as sulfur oxides, nitrogen oxides, hydrocarbons, carbon monoxide, and particulate matter. Diesel particulate matter is approximately 75% elemental carbon. The proposed project will require the use of diesel-powered heavy duty trucks, construction equipment, and warehouse equipment. Thus, it is crucial that black carbon be addressed as part of the environmental review for the Project.

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(1) ANALYZING PARTICULATE MATTER IS INSUFFICIENT TO ADDRESS BLACK CARBON

Particulate matter (PM) refers to the particles that make up atmospheric aerosols. The primary constituents of PM are sulfates, nitrates, and carbon compounds. Sulfates and nitrates form in the atmosphere from the chemical reaction of sulfur and nitrogen dioxides. These may often be present as ammonium sulfate or nitrate salts. Carbon compounds may be directly emitted, e.g. black carbon emitted from combustion, or may form in the atmosphere from other organic vapors, e.g. oxidation of volatile organic compounds.

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Because PM can be reduced through mitigation of other constituents of PM than black carbon, it is essential that black carbon emission reduction strategies be considered independently from PM reductions. The proportions of the constituents of PM vary over time and by location. According to a recent series of surveys conducted at various U.S. cities under the EPA's "Supersite" program, black carbon was often only about 10% of total measured PM_{2.5}.¹

62

In contrast to total PM_{2.5}, diesel PM is composed largely of black carbon. Nonetheless, some diesel PM reduction strategies do not affect black carbon. For instance, diesel oxidation catalysts can reduce diesel PM emissions as a whole by approximately 20 to 40%, yet they do not decrease black carbon emissions. (Walker 2004). In addition, while low-sulfur fuel will reduce sulfate emissions, in and of itself low-sulfur fuel will not reduce black carbon. Low-sulfur fuel is important because it *allows* for better technology to reduce black carbon. (See, e.g. 69 Fed. Reg. 38957, 38995 (June 29, 2004)). Yet those reductions can only occur once the technology has been implemented.

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¹ For an overview of the program and initial results see <http://www.epa.gov/ttn/amtic/supersites.html>

(2) METHODS ARE AVAILABLE TO SPECIFICALLY QUANTIFY BLACK CARBON EMISSIONS FROM THE PROJECT

Like greenhouse gases, black carbon emissions from various types of engines and activities can be estimated through numerical calculations. (Bond 2004). Thus, there is no reason why black carbon can reasonably be omitted from these estimates.

The estimated black carbon emissions from the project can be inventoried similarly to other greenhouse gas emissions:

- Estimate the mass of diesel fuel consumed by each type of diesel engine, e.g. ship, machinery, truck, construction equipment, and locomotive.
- Calculate a black carbon emission factor (EF) using reference values available in the literature. For instance, an equation for “EF_{BC}” from various types of diesel engines that takes into account 4 different factors.²
- Multiply the emission factor times the mass of diesel (in kilograms) used for each engine type. This will provide the grams of black carbon emitted by that engine type.
- Sum all black carbon emissions from each engine category to obtain total black carbon emissions from the project.

After obtaining the total black carbon emissions from the project, the relative global warming impact of the emissions can be compared to other global warming pollutants. Carbon dioxide-equivalent values can be obtained by multiplying total black carbon emissions (in kilograms) from the project by the global warming potential (GWP) for black carbon. Although there is some variation in estimated GWP values, representative black carbon GWP values are: 760 over 100 years³ or 2200 over 20 years (Bond & Sun 2005).

The EIR fails to analyze the impacts of black carbon emissions during both the construction and operation phase of the project. The Project will result in a large increase in diesel exhaust from the existing conditions, which is a major source of black carbon. The Project will require the cut and fill of approximately 42 million cubic yards of earth material that will require thousands of hours of operation of heavy duty construction equipment. Nowhere in the EIR is any quantified analysis performed to determine how these significant impacts could be avoided, reduced, or mitigated.

It is incumbent on the City “disclose all it can” about project impacts and educate itself on methodologies that are available to measure project emissions. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm’rs* (“*Berkeley Jets*”), 91 Cal. App. 4th 1344, 1370 (2001). Without a complete inventory, the EIR cannot adequately inform the public and decision-makers about the Project’s impacts. Similarly, without a complete inventory and analysis of greenhouse

² See Bond et al. 2004 at 4 and Table 7.

³ The combined global average direct (480) and indirect (281) GWP for black carbon as reported in Reddy & Boucher (2007).

gas emissions that will result from the project, there is simply no way that the EIR can then adequately discuss avoidance and mitigation measures to reduce those impacts.

64

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

In addition to thoroughly evaluating project alternatives, because it is clear that the project's greenhouse gas emissions will cumulatively contribute to global warming, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). CEQA specifically requires lead agencies to "consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions." Guidelines § 15126.4 (c). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002.

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There are any number of feasible measures that can be incorporated to reduce vehicle miles traveled, energy use, waste, water consumption and other sources of emissions. The California Air Pollution Control Officer's Association (CAPCOA) White Paper on CEQA and Climate Change identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008 at Appendix B). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (California Office of the Attorney General 2010). These resources provide a rich and varied array of mitigation measures to be incorporated in both the programmatic and project level. These mitigation measures are included at Attachment B and must be analyzed to determine whether they are feasible in reducing the Project's significant greenhouse gas impacts. The EIR includes a paltry list of mitigation measures that fails to meet CEQA's substantive requirement to adopt all feasible mitigation. (DEIR at 1-54, DEIR App. D at 2-8).

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When the EIR does discuss substantive mitigation measures to reduce greenhouse gases through project design it fails to demonstrate why feasible mitigation measures are not adopted. CEQA requires the adoption of all feasible mitigation measures to reduce significant impacts like climate change or there is substantial evidence as to why the mitigation measures are infeasible. Pub. Res. Code § 21081(a)(3). The specific plan allows for the future installation of solar photovoltaic panels (i.e., buildings will be "solar ready") or other alternative energy systems on the roof of each warehouse building to offset the energy demands of the building, up to full roof coverage. (DEIR at 4.16-36, 4.16-38). Unfortunately, the EIR fails to include the installation of solar photovoltaic panels in the first instance. California's programs like the Million Solar Roof

67

Initiative and Renewable Portfolio Standard provide applicable plans to encourage on-site renewable energy in the Project. With a range of federal and state incentives and financing options the EIR must adopt the feasible mitigation of on site renewable energy for the Project.

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Importantly, mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures” so “that feasible mitigation measures will actually be implemented as a condition of development.” *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000). The EIR fails to analyze and adopt LEED certification standards for the Project. The EIR instead claims that “the project intends to achieve applicable elements of certification from the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED), and encourages LEED Certification.” (DEIR at 4.16-38). However, these type of non-binding mitigation measures fails to meet CEQA’s standards of full enforceability and fails to provide any analysis or demonstration that LEED is not feasible

68

The studies supporting the EIR also discuss other feasible mitigation measures that should be adopted. The greenhouse gas analysis proposes “onsite alternative fueling infrastructure (electric charging stations and/or natural gas fueling), which will help facilitate the use of these low-emitting trucks” and “a site for the sale of food, fuel, and convenience items to minimize the need for trucks to travel off-project to purchase these goods and services.” (DEIR App. D at 5). However, the EIR itself doesn’t propose these feasible mitigation measures. The greenhouse gas analysis also fails to ensure that the mitigation measures would be fully enforceable and only requires their adoption “as appropriate.” (DEIR App. D at 5).

69

A lead agency may only “disclaim[] responsibility to mitigate environmental effects . . . when the other agency said to have responsibility has *exclusive* responsibility” to mitigate that impact. *City of Marina v. Bd. of Trustees* (2006) 39 Cal.4th 341, 366; *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 442, fn. 8 (city cannot avoid responsibility to mitigate project impacts by pointing to potential action of another agency). Unfortunately, the EIR engages in this type of deceptive analysis in asserting that the “emissions from vehicle exhaust are controlled by the State and Federal governments and are outside the control of the City.... The proposed project is required to comply with existing State and Federal regulations...” (DEIR at 4.7-44). The City cannot absolve of responsibility to adopt other feasible mitigation measures simply because another agency could potentially mitigate similar impacts.

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After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Preference should be given to offset mitigation measures in that are in close proximity to the project. (SCAQMD 2008). In other words project applicants should prioritize first on mitigation onsite, then on mitigation in the neighborhood or air district, next in state, then finally out of state. (SCAQMD 2008). Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets should be discussed in the EIR. As demonstrated by the Office of the Attorney General and SCAQMD offsets are a feasible CEQA

71

mitigation measures⁴ once all feasible mitigation measures have been adopted to reduce the Project's carbon footprint and produce energy using renewable sources. (SCAQMD 2008).

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IV. THE EIR FAILS TO ANALYZE HOW GLOBAL WARMING WILL COMPOUND PROJECT IMPACTS OVER THE PROJECT'S LIFETIME

The EIR fails to address how the projected effects of global warming will exacerbate the impacts of the Project. CEQA requires that an EIR "analyze any significant environmental effects the project might cause by bringing development and people into the affected area." Guidelines § 15126.2(a). In recent guidance to local governments on the analysis of global warming in a general plan update, the Attorney General noted that "[l]ead agencies should disclose any areas governed by the general plan that may be particularly affected by global warming, e.g., coastal areas that may be subject to increased erosion, sea level rise, or flooding....General plan policies should reflect these risks and minimize hazards for current and future development." (Cal. Attorney General 2009 at 6). This guidance applies with equal force to developments like the Project.

72

A. The EIR Must Analyze Global Warming's Effects on Air Quality in Determining Project Air Quality Impacts

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

Californians experience the worst air quality in the nation, with annual health and economic impacts estimated in at 8,800 deaths (3,000–15,000 probable range) and \$71 billion (\$36–\$136 billion) per year (Cayan 2006). Ozone and particulate matter (PM) are the pollutants of greatest concern (maximum levels are about double California's air quality standards) and the current control programs for motor vehicles and industrial sources cost about \$10 billion per year. In light of these underlying conditions it is critical that the air quality analysis be rigorous. The DEIR is required to properly analyze the Projects' direct, indirect, and cumulative contribution to deteriorating air quality.

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Riverside County in particular, has some of the worst air quality in the nation, even when compared to other highly urban, populated counties in California. Riverside County is ranked as one of the "Dirtiest/Worst Counties" in the US for almost all criteria pollutants under the Clean Air Act. (Criteria Air Pollutant Report; American Lung Association 2005; American Lung Association 2008). Because of this, project proponents have a unique and heavy burden not to

74

⁴ The California Attorney General's Office has adopted CEQA settlements calling for the auditing, reduction, and offsetting of greenhouse gas emissions related with a Project demonstrating that offsets are a feasible way to reduce a Project's negative environmental effects on global warming. See

<http://ag.ca.gov/newsalerts/release.php?id=1466&category=global%20warming> See generally <http://oag.ca.gov/environment/ceqa/measures>

add to this already significant health and public safety threat. Given the severe status of air quality in the project area the contribution of global warming to increased ozone formation will only worsen this severe problem; it must be fully analyzed and mitigated.

74

B. The EIR Must Analyze Global Warming's Affect on Water Supply in Determining Project Water Supply Impacts

Significantly for the state, as well as the project area, is global warming's impact on water supply. The IPCC specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows" (IPCC 2007). Recently, researches found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States" (Barnett 2008). Using several climate models and comparing the results, the researches found that "warmer temperatures accompany" decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels (Barnett 2008). These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snow pack between 1950-1999" are human-induced (Barnett 2008). This, the researchers wrote, is "not good news for those living in the western United States" (Barnett 2008).

75

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

76

Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in the size and frequency of flood events (NRDC 2007). The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection (NRDC 2007). At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more difficult (NRDC 2007). These changes in hazard risk and water supply availability must be considered during environmental review.

77

Water quality, in addition to water quantity and timing, will also be impacted. Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems (NRDC 2007). Changes in precipitation affect water quantity, flow rates, and flow timing (Gleick 2000). Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn (Epstein 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions (Schindler 1997).

78

C. The EIR Must Analyze Global Warming's Affects on Biological Resources in Determining Project Impacts

Climate change is having a major adverse impact on numerous plant and animal species. (Cameron and Scheel, 2001). Climate change impacts species by altering the climatic conditions that species need to survive or use a particular location as habitat, including particular temperature, type of food, water levels and water abundance, or weather conditions. (Schwartz, et. al., 2006). This causes massive migration shifts, with species seeking out other areas featuring their needed climatic conditions. (Schwartz, et. al., 2006). However, such migration shifts are not simple. For many species, their habitat is already so limited that there is no other location they can practically relocate to. As well, major impediments such as urban areas can keep species from reaching other habitats. Species migration can also cause increased food and habitat competition as more species attempt to forage, hunt, or breed, in smaller areas. Migration also has the potential to cause many of the issues commonly associated with invasive species.

79

For many species of course, migration just is not possible and, as their habitats quickly change, they will be unable to adapt in time, and will become extinct. Extinction as a direct result of climate change is an imminent possibility for numerous species. (Cameron and Scheel, 2001).

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The threat of climate change induced species extinction is found to be highest in species with a small current distribution, (Schwartz, et. al. 2006), such as the SKR. This makes sense given that the reason that these species have small habitats in the first place is that they are "habitat specialists," meaning they can only survive in a very specific set of climatic/habitat conditions. (Schwartz, et al., 2006).

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The DEIR should have disclosed this threat to species, and discussed the potentiality of the project contributing to the massive problem. The lead agency must include such an analysis in their subsequent EIR. The EIR must use its best efforts to find out and disclose all it reasonably can about the impacts of climate change on the environment and—most importantly—use that information to form an educated opinion about how to plan and adapt for the impacts of climate change.

82

Such an analysis is particularly important to include given that the DEIR has already concluded that the project will have a significant contribution to climate change. Because the project will have a significant impact to climate change, the project will also have a significant

83

contribution to the various secondary effects resulting from climate change, including massive migration shifts and species extinction. Further, it is irrelevant that species that are currently receiving the most attention for being at risk of extinction, such as the pika or the polar bear, are not located anywhere near the project site. Climate change is not localized in its effects so that any GHG emissions will cumulatively contribute to climate change induced species extinction.

83

Further, we are just beginning to understand how climate change is impacting species. Little information exists as to how climate change is impacting species that currently exist within the vicinity of the project site such as the burrowing owl or the SKR. However, what data we do have indicates that these species may as well be feeling the effects of climate change. Here, the EIR has not conducted an adequate inquiry into what the potential impacts from climate change to species such as the burrowing owl may be.

84

V. THE EIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE IMPACTS FROM ENERGY USE AND ASSOCIATED FACILITIES

The EIR fails to adequately disclose, analyze, and mitigate the Project's related energy use and facilities including the impacts outlined in Appendix F of the CEQA Guidelines. Among other requirements, Appendix F requires an EIR to analyze the "effects of the project on local and regional energy supplies and on requirements for additional capacity" and the "effects of the project on peak and base period demands for electricity and other forms of energy." Unfortunately the EIR fails to conduct an adequate analysis of the project on local and regional energy supplies; instead it includes vague references to facility upgrades that may be required. (DEIR at 4.16-37, 4.16-38). The EIR similarly fails to analyze the effects of the Project on peak and base electrical demands. The EIR defers analysis of the effects until an undefined later date and will rely on local stations "as long as capacity is still available at that station." (DEIR at 4.16-37).

85

The EIR claims to analyze whether the "proposed WLC project require the construction of new electrical and/or natural gas facilities or expansion of existing facilities, the construction of which would cause significant environmental effects." (DEIR at 4.16-36). However, the EIR simply lists potential electrical upgrades that may be required but doesn't analyze any impacts of those new facilities. (DEIR at 4.16-37, 4.16-38). The failure to analyze all of the necessary components of the project improperly downplays the Project's impacts and fails to provide a stable description of the Project itself. The EIR also engages in an inconsistent analysis of whether the Moreno Valley Electric Utility or Southern California Edison will provide the necessary electrical upgrades for the Project, which fails to provide the public and decision makers with a stable and consistent project description. (DEIR at 3.51, DEIR at 4.16-37). Similarly the EIR's analysis provides a shifting and variable description of whether on-site solar energy would be integrated into the Project.

86

VI. THE EIR FAILS TO ADEQUATELY ANALYZE A REASONABLE RANGE OF ALTERNATIVES

The EIR fails to consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly' even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

87

As discussed in comments on the NOP the EIR must consider a reasonable range of alternatives including the feasibility of rail service to the project and a site served by rail. Unfortunately the EIR fails to conduct that analysis. The EIR also conducts a faulty alternative site analysis claiming that the only feasible alternative site would include "a contiguous 2,635-acre site for 41 million square feet." (DEIR at 6-38). This improperly narrow project objective fails to permit the EIR to conduct an analysis of a reasonable range of alternatives.

VII. THE EIR MUST BE RECIRCULATED FOR PUBLIC REVIEW AND COMMENT

A lead agency must re-circulate an EIR for further public comment under any of four circumstances:

- (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.

88

CEQA Guidelines §15088.5.

Based on the comments above, it is clear that the EIR 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 impacts to biological resources and greenhouse gases. Failure

to address these impacts is inadequate and requires further analysis and recirculation. The combined effect of these omissions makes it clear that the fourth condition has also been met.

88

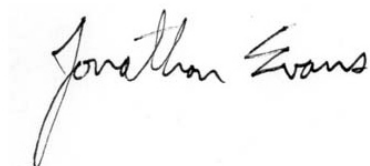
CONCLUSION

Thank you for your attention to these comments. We look forward to working with the County 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 above.

89

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 above (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.

Best regards,



Jonathan Evans
Staff Attorney
Center for Biological Diversity



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Chapter President
San Bernardino Valley Audubon Society

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Attachment A

Ecological Value of Riparian Areas and Wetlands

Riparian areas support a disproportionate share of the State's biodiversity and preservation of these vegetation communities is critical to the survival of rare, sensitive, threatened and endangered plants and wildlife. CDFG 2003.

Over 225 species of birds, mammals, reptiles, and amphibians depend upon California's riparian habitats (Knopf et al. 1988, Saab et al. 1995, Dobkin et al. 1998). In addition, these beautiful examples of California's biodiversity can help reduce flood flows and flood damage, improve groundwater recharge, prevent damaging chemicals and other compounds from reaching open water, and reduce wind and erosion on adjacent lands. . . Unfortunately, human activities have destroyed or fragmented most of this valuable habitat over the past 150 years. No one has documented how much riparian habitat existed in California before 1850. However, a 1984 study estimated that riparian vegetation in the Central Valley and desert regions represented from two to five percent of the pre-1850 amount... Because they are both biologically rich and severely degraded, riparian areas have been identified as the most critical habitat for conserving neotropical migrant birds.

CDFG 2003. (emphasis added).

Wetlands and riparian habitats are truly among the rarest and most sensitive ecosystem types in California. These areas are critical for biodiversity, harboring high concentrations of threatened, endangered, and sensitive species. Krueper (1992) estimates that wetland and riparian habitat occupies less than 1% of the total land area in the western U.S., yet is critical for up to 80% of terrestrial vertebrate species. Riparian habitats are relatively rare in the California deserts, but extensively degraded. As noted above, more than 90% of the State's riparian areas and wetlands have already been lost, but while there are fewer acres of riparian habitat than other plant communities, riparian areas sustain a disproportionately high number of aquatic and terrestrial wildlife species (Faber et al. 1989). Riparian communities in the arid areas of the State are typically surrounded by far drier environments, and the water and riparian vegetation that they provide are vitally important to many species (Krueper 1992).

Terrestrial vertebrates in the State rely heavily on riparian habitats for various life stages, as noted above, the California Department of Fish and Game estimates that over 225 species of birds, mammals, reptiles, and amphibians depend upon California's riparian habitats. A recent study found that there are approximately 173 terrestrial vertebrates in the eastern United States alone that require riparian habitats for some lifehistory function (26 mammals, 27 birds, 50 reptiles, and 70 Amphibians) (Crawford 2007).

Direct and Indirect Impacts to Wetlands and Riparian Areas

Nonpoint source pollution from activities such as urban runoff, agriculture, and habitat modification are considered the primary source of pollutants to waters of the US (USEPA 2002). Many wetlands that persist are significantly degraded through contamination by pollution from urban and agricultural runoff (Dahl 2006).

It is important to recognize that the destruction and modification of riparian and wetland habitat can have broad indirect effects within a watershed and analyze the impacts of those impacts.

Artificial flow regulation with local or upstream dams and diversions, as well as channel alteration and containment with levees and channelization, can alter plant communities at watershed scales (Ohmart 1994, Hunter et al. 1999). Transportation departments may channelize or re-direct sheet flow to manage rainfall events, altering hydrologic input to desert wash habitats (The Nature Conservancy 2001). Vegetation, and therefore vegetation-dependent wildlife, can be dramatically affected by distant upstream water management practices (Ohmart 1994), so that restoration efforts at specific sites may depend ultimately on the cooperation of partners managing water in the wider landscape. (CalPIF, The Draft Desert Bird Conservation Plan, 2006).

Specific types of development can have broad ranging effects. Roads are responsible for a suite of indirect effects that impact species dynamics, soil characteristics, water flow regimes, and vegetation cover (Bashore et al. 1985; Reijnen et al. 1996, Forman et al. 2003). The degree of indirect effect varies in relation to the distance from a road, extending to what is known as the “road effect zone” or the outer limit of significant ecological effect (Forman et al. 1997; Forman and Deblinger 1998, 1999). Forman and Deblinger (2000) found that the effects of all nine ecological factors studied extended more than 100 m from the road, with some extending outwards of 1 km of the road. The road-effect zone was asymmetric, had convoluted boundaries and a few long fingers and averaged approximately 600m in width.

Indirect effects often have such broad implications because the “road effect zone,” or the outer limit of a significant ecological effect, extends much further than the actual road, route or trail (Forman 2000). Forman et al. (2003) state all roads not only have a physical footprint, but also a “virtual footprint” surrounding their actual location. This virtual footprint includes the “accumulated effect over time and space of all of the activities that roads induce or allow, as well as all of the ecological effects of those activities (Forman et al. 2003).” It is estimated that 19% of the land surface in the U.S. is directly affected by roads, while in total, 22% of the U.S may be ecologically altered by the road network (Forman 2000).

Mitigation for Impacts to Wetlands and Riparian Areas

To protect stream amphibians and other wildlife dependent on riparian areas and wetlands, land managers and policy makers must consider conserving more than aquatic

resources alone (Crawford 2007). Developing core terrestrial habitat estimates and buffer zone widths for wildlife populations is a critical first step in the conservation of many semiaquatic organisms and protecting biodiversity (Crawford 2007). Typically when buffer zones are determined to mitigate edge effects, they are based on criteria that protect aquatic resources alone and do not consider impacts to wildlife, semiaquatic species, and other terrestrial resources (Semlitsch & Bodie 1998; Semlitsch & Jensen 2001). For example, in Oregon, the minimum buffer strip required to protect water resources is 6.1 m, although a minimum buffer of 20 m is needed to protect certain salamander species (Vesely & McComb 2002).

Maintaining appropriate, fully protected buffer strips between streams and upland soil-disturbing activities is critical to sustaining aquatic and riparian ecosystems (Erman et al. 1996). Most of the current literature about estimating appropriate widths of riparian buffer strips takes into account the complexity of landscapes. Research conducted as part of the Sierra Nevada Ecosystem Project (Erman et al. 1996) provided guidance for designating riparian buffers that incorporate steepness of surrounding slopes and erodability of soils: this research concluded that if the average slope were 25 percent, the buffer width should be 524 feet on either side of the stream, and if the slope were 50 percent, the buffer should be 672 feet.

Riparian forests have been found to reduce delivery of nonpoint-source pollution to streams and lakes in many types of watersheds (Vellidis et al. 2002, 2003a; Lowrance et al. 1983, 1984a, 1984b, 1985a, 1985b, 1997). Riparian forest ecosystems are excellent nutrient and herbicide sinks that reduce the pollutant discharge from surrounding agroecosystems (Peterjohn and Correll 1984). For example, studies from coastal plain agricultural watersheds reveal that riparian forest ecosystems are excellent nutrient sinks and buffer the discharge from surrounding agroecosystems (Lowrance 1984a). Riparian buffers are especially important on small streams where intense interaction between terrestrial and aquatic ecosystems occurs (Vellidis et al., 2003b), because first- and second-order streams comprise nearly three-quarters of the total stream length in the US (Leopold et al., 1964).

Attachment B
Greenhouse Gas Mitigation Measures

**Table 16
Mitigation Measure Summary**

Mitigation Measure	Applicable Project/Source Type ¹	Effective	Feasible (Yes/No)		Secondary Effects (Yes/No)	Agency/Organization/Other ⁶	Description/Comments	
		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴				Logistical ⁵
Transportation								
Bicycle/Pedestrian/Transit Measures								
MM T-1: Bike Parking	LD (C, M), I, SP, TP, AQP, RR, P/Mobile	1%-5%/High: CCAP presents combined % reductions for a range of mitigation measures (Dierkers et al. 2007). SMAQMD allocates combined reductions among individual measures (e.g., 2.5% reduction for all bicycle-related measures and one-quarter of 2.5% for each individual measure) (TIAX 2005, EDAW 2006, SMAQMD 2007). VTPI presents % reductions for showers and combined measures in the TDM encyclopedia (VTPI	Yes: Lockers (\$1,200-\$2,950, \$700/bike on average), Racks (\$70-\$2,000, \$70/bike on average).	Yes (Caltrans 2005, Dierkers et al. 2007, VTPI 2007)	Yes (Caltrans 2005, Dierkers et al. 2007, VTPI 2007)	Adverse: No Beneficial: CAPs, TACs	Caltrans, Portland Bicycle Master Plan (City of Portland 1998), CCAP Transportation Emissions Guidebook (Dierkers et al. 2007), SMAQMD Recommended Guidance for Land Use Emission Reductions (SMAQMD 2007), VTPI, CA air quality management and control districts, and cities/counties.	Nonresidential projects provide plentiful short- and long-term bicycle parking facilities to meet peak season maximum demand (e.g., one bike rack space per 20 vehicle/employee parking spaces).
MM T-2: End of Trip Facilities	LD (C, M), I, SP, TP, AQP, RR, P/Mobile		Yes	Yes (Caltrans 2005, Dierkers et al. 2007, VTPI 2007)	Yes (Caltrans 2005, Dierkers et al. 2007, VTPI 2007)	Adverse: No Beneficial: CAPs, TACs		Nonresidential projects provide “end-of-trip” facilities including showers, lockers, and changing space (e.g., four clothes lockers and one shower provided for every 80 employee parking spaces, separate facilities for each gender for projects with 160 or more employee parking spaces).
MM T-3: Bike-Parking at Multi-	LD (R, M), SP, AQP, RR,		Yes: Lockers (\$1,200-	Yes (Caltrans 2005,	Yes (Caltrans	Adverse: No Beneficial:		Long-term bicycle parking is provided at apartment

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Mitigation Measure Summary**

Mitigation Measure	Applicable Project/Source Type ¹	Effective	Feasible (Yes/No)		Secondary Effects (Yes/No)	Agency/Organization/Other ⁶	Description/Comments
		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴	Logistical ⁵		
Unit Residential	P/Mobile	2007). JSA bases estimates on CCAP information (JSA 2004).	\$2,950, \$700/bike on average), Racks (\$70-\$2,000, \$70/bike on average).	Dierkers et al. 2007, VTPI 2007)	2005, Dierkers et al. 2007, VTPI 2007)	CAPs, TACs	complexes or condominiums without garages (e.g., one long-term bicycle parking space for each unit without a garage). Long-term facilities shall consist of one of the following: a bicycle locker, a locked room with standard racks and access limited to bicyclists only, or a standard rack in a location that is staffed and/or monitored by video surveillance 24 hours per day.
MM T-4: Proximity to Bike Path/Bike Lanes	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile		Yes	Yes (Caltrans 2005, Dierkers et al. 2007, VTPI 2007)	Yes (Caltrans 2005, Dierkers et al. 2007, VTPI 2007)	Adverse: No Beneficial: CAPs, TACs	Entire project is located within one-half mile of an existing/planned Class I or Class II bike lane and project design includes a comparable network that connects the project uses to the existing offsite facility. Project design includes a designated bicycle route connecting all units, on-site bicycle parking facilities, offsite bicycle facilities, site entrances, and primary building entrances to existing Class I or Class II bike lane(s) within one-half mile. Bicycle route connects to all streets contiguous with project site. Bicycle route has minimum conflicts with automobile parking and circulation

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						facilities. All streets internal to the project wider than 75 feet have Class II bicycle lanes on both sides.

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MM T-5: Pedestrian Network	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	1%-10%/High: CCAP presents combined % reductions for a range of mitigation measures (Dierkers et al. 2007). SMAQMD allocates 1% for each individual measure (TIAX 2005, EDAW 2006, SMAQMD 2007).	Yes	Yes (Dierkers et al. 2007, VTPI 2007)	Yes (Dierkers et al. 2007, VTPI 2007)	Adverse: No Beneficial: CAPs, TACs	CCAP Transportation Emissions Guidebook (Dierkers et al. 2007), SMAQMD Recommended Guidance for Land Use Emission Reductions (SMAQMD 2007), VTPI, CA air quality management and control districts, and cities/counties.	The project provides a pedestrian access network that internally links all uses and connects to all existing/planned external streets and pedestrian facilities contiguous with the project site. Project design includes a designated pedestrian route interconnecting all internal uses, site entrances, primary building entrances, public facilities, and adjacent uses to existing external pedestrian facilities and streets. Route has minimal conflict with parking and automobile circulation facilities. Streets (with the exception of alleys) within the project have sidewalks on both sides. All sidewalks internal and adjacent to project site are minimum of five feet wide. All sidewalks feature vertical curbs. Pedestrian facilities and improvements such as grade separation, wider sidewalks, and traffic calming are implemented wherever feasible to minimize pedestrian barriers. All site entrances provide pedestrian access.
MM T-6: Pedestrian	LD (R, C, M), I, SP, TP,		Yes	Yes (Dierkers et al. 2007,	Yes (Dierkers et	Adverse: No Beneficial:		Site design and building placement minimize barriers to

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴	Logistical ⁵			
Barriers Minimized	AQP, RR, P/Mobile			VTPI 2007)	al. 2007, VTPI 2007)	CAPs, TACs		pedestrian access and interconnectivity. Physical barriers such as walls, berms, landscaping, and slopes between residential and nonresidential uses that impede bicycle or pedestrian circulation are eliminated.
MM T-7: Bus Shelter for Existing/Planned Transit Service	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	1%-2%/High: CCAP presents these % reductions (Dierkers et al., 2007). SMAQMD assigns from .25%-1%, depending on headway frequency (TIAx 2005, EDAW 2006, SMAQMD 2007).	Yes: \$15,000-\$70,000.	Yes (Dierkers et al. 2007, VTPI 2007)	Yes (Dierkers et al. 2007, VTPI 2007)	Adverse: No Beneficial: CAPs, TACs	CCAP Transportation Emissions Guidebook (Dierkers et al. 2007), SMAQMD Recommended Guidance for Land Use Emission Reductions (SMAQMD 2007), VTPI, City of Calgary (City of Calgary 2004), CA air quality management and control districts, and cities/counties.	Bus or streetcar service provides headways of one hour or less for stops within one-quarter mile; project provides safe and convenient bicycle/pedestrian access to transit stop(s) and provides essential transit stop improvements (i.e., shelters, route information, benches, and lighting).

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴	Logistical ⁵			
MM T-8: Traffic Calming	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	1%-10%/High: CCAP presents combined % reductions for a range of mitigation measures (Dierkers et al. 2007). SMAQMD allocates .25%-1.0% for each individual measure depending on percent of intersections and streets with improvements (TIAX 2005, EDAW 2006, SMAQMD 2007).	Yes	Yes (Dierkers et al. 2007, VTPI 2007)	Yes (Dierkers et al. 2007, VTPI 2007)	Adverse: No Beneficial: CAPs, TACs	CCAP Transportation Emissions Guidebook (Dierkers et al. 2007), SMAQMD Recommended Guidance for Land Use Emission Reductions (SMAQMD 2007), VTPI, CA air quality management and control districts, and cities/counties.	Project design includes pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways are designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips by featuring traffic calming features. All sidewalks internal and adjacent to project site are minimum of five feet wide. All sidewalks feature vertical curbs. Roadways that converge internally within the project are routed in such a way as to avoid “skewed intersections,” which are intersections that meet at acute, rather than right, angles. Intersections internal and adjacent to the project feature one or more of the following pedestrian safety/traffic calming design techniques: marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, and roundabouts or mini-circles. Streets internal and adjacent to the project feature pedestrian safety/traffic calming measures such as on-street parking, planter strips with street trees,

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴	Logistical ⁵			
							and chicanes/chokers (variations in road width to discourage high-speed travel).	
Parking Measures								
MM T-9: Paid Parking (Parking Cash Out)	LD (C, M), I, SP, TP, AQP, RR, P/Mobile	1%-30%/High: CCAP presents a range of 15%-30% reduction for parking programs (Dierkers et al. 2007). SMAQMD presents a range of 1.0%-7.2%, depending on cost/day and distance to transit (TIAX 2005, EDAW 2006, SMAQMD 2007). Shoupe presents a 21% reduction [\$5/day for commuters to downtown LA, with elasticity of -0.18 (e.g., if price increases 10%, then solo driving goes down by 1.8% more)] (Shoupe 2005). Urban Transit Institute	Yes: Vary by location and project size.	Yes (Dierkers et al. 2007, VTPI 2007)	Yes (Dierkers et al. 2007, VTPI 2007)	Adverse: No Beneficial: CAPs, TACs	CCAP Transportation Emissions Guidebook (Dierkers et al. 2007), SMAQMD Recommended Guidance for Land Use Emission Reductions (SMAQMD 2007), VTPI, CA air quality management and control districts, and cities/counties.	Project provides employee and/or customer paid parking system. Project must have a permanent and enforceable method of maintaining user fees for all parking facilities. The facility may not provide customer or employee validations. Daily charge for parking must be equal to or greater than the cost of a transit day/monthly pass plus 20%.

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴			
		presents a range of 1%-10% reduction in trips to central city sites, and 2%-4% in suburban sites (VTPI 2007).					
MM T-10: Minimum Parking	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	1%-30%/High: CCAP presents a range of 15%-30% reduction for parking programs (Dierkers et al. 2007). SMAQMD presents a maximum of 6% (Nelson/Nygaard Consulting Associates, 2005, TIAX 2005, EDAW 2006).	Yes	Yes (Dierkers et al. 2007, VTPI 2007)	Yes (Dierkers et al. 2007, VTPI 2007), Note that in certain areas of the state, the minimum parking required by code is greater than the peak period parking demand for most land uses. Simply meeting minimum code requirements in these areas would not result in an emissions reduction.	Adverse: No Beneficial: CAPs, TACs	CCAP Transportation Emissions Guidebook (Dierkers et al. 2007), SMAQMD Recommended Guidance for Land Use Emission Reductions (SMAQMD 2007), VTPI, Governor's Office of Smart Growth (Annapolis, Maryland) (Zimblar), CA air quality management and control districts, and cities/counties. Provide minimum amount of parking required. Once land uses are determined, the trip reduction factor associated with this measure can be determined by utilizing the ITE parking generation publication. The reduction in trips can be computed as shown below by the ratio of the difference of minimum parking required by code and ITE peak parking demand for the land uses multiplied by 50%. Percent Trip Reduction = 50 * [(min parking required by code – ITE peak parking demand)/ (ITE peak parking demand)]

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴			
MM T-11: Parking Reduction Beyond Code/Shared Parking	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	1%-30%/High: CCAP presents a range of 15%-30% reduction for parking programs (Dierkers et al. 2007). SMAQMD presents a maximum of 12% (Nelson/Nygaard, 2005, TIAX 2005, EDAW 2006).	Yes	Yes (Dierkers et al. 2007, VTPI 2007)	Yes (Dierkers et al. 2007, VTPI 2007)	Adverse: No Beneficial: CAPs, TACs	Provide parking reduction less than code. This measure can be readily implemented through a shared parking strategy, wherein parking is utilized jointly among different land uses, buildings, and facilities in an area that experience peak parking needs at different times of day and day of the week.
MM T-12: Pedestrian Pathway Through Parking	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	1%-4%/Moderate: CCAP presents combined % reductions for a range of mitigation measures (Dierkers et al. 2007). SMAQMD allocates 0.5% reduction for this measure (TIAX 2005, EDAW 2006, SMAQMD 2007).	Yes	Yes (Dierkers et al. 2007, VTPI 2007)	Yes (Dierkers et al. 2007, VTPI 2007)	Adverse: No Beneficial: CAPs, TACs	Provide a parking lot design that includes clearly marked and shaded pedestrian pathways between transit facilities and building entrances.

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴	Logistical ⁵		
MM T-13: Off - Street Parking	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	1%-4%/Moderate: CCAP presents combined % reductions for a range of mitigation measures (Dierkers et al. 2007). SMAQMD allocates a range of 0.1%-1.5% for this measure (TIAX 2005, EDAW 2006, SMAQMD 2007).	Yes	Yes (Dierkers et al. 2007, VTPI 2007)	Yes (Dierkers et al. 2007, VTPI 2007)	Adverse: No Beneficial: CAPs, TACs	Parking facilities are not adjacent to street frontage.
MM T-14: Parking Area Tree Cover	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	Annual net CO ₂ reduction of 3.1 kg/m ² canopy cover/Moderate (McPherson 2001).	Yes: \$19 per new tree for CA, cost varies for maintenance, removal and replacement (McPherson 2001).	Yes	Yes	Adverse: VOCs Beneficial: CAPs, TACs	AG, State of CA Department of Justice (Goldberg 2007) and cities/counties (e.g., parking lot ordinances in Sacramento, Davis, and Los Angeles, CA). Provide parking lot areas with 50% tree cover within 10 years of construction, in particular low emitting, low maintenance, native drought resistant trees. Reduces urban heat island effect and requirement for air conditioning, effective when combined with other measures (e.g., electrical maintenance equipment and reflective paving material).
MM T-15: Valet Bicycle Parking	LD (C, M), SP, AQP, TP, RR, P/Mobile	NA/Low	Yes	Yes	Yes: Raley Field (Sacramento, CA)	Adverse: No Beneficial: CAPs, TACs	Raley Field (Sacramento, CA). Provide spaces for the operation of valet bicycle parking at community event “centers” such as amphitheaters, theaters, and stadiums.
MM T-16: Garage Bicycle Storage	LD (R, M), SP, AQP, TP, RR, P/Mobile	NA/Low	Yes: Less than \$200/multiple bike rack.	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	City of Fairview, OR Provide storage space in one-car garages for bicycles and bicycle trailers.

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MM T-17: Preferential Parking for EVs/CNG Vehicles	LD (C, M), I, SP, TP, AQP, RR, P/Mobile	NA/Low	Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	USGBC, CA air quality management and control districts and cities/counties (e.g., BAAQMD).	Provide preferential parking space locations for EVs/CNG vehicles.
MM T-18: Reduced/No Parking Fee for EVs/CNG Vehicles	LD (C, M), I, SP, TP, AQP, RR, P/Mobile	NA/Low	Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	Hotels (e.g., Argonaut in San Francisco, CA)	Provide a reduced/no parking fee for EVs/CNG vehicles.

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Miscellaneous Measure							
MM T-19: TMA Membership	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	1%-28%/High: CCAP presents a range of 3%-25% for TDMs with complementary transit and land use measures (Dierkers et al. 2007). VTPI presents a range of 6%-7% in the TDM encyclopedia (VTPI 2007). URBEMIS offers a 2%-10% range in reductions for a TDM that has 5 elements that are pedestrian and transit friendly and 1%-5% for 3 elements. SMAQMD presents a reduction of 5% (TIAX 2005, EDAW 2006, SMAQMD 2007).	Yes	Yes (Dierkers et al. 2007, VTPI 2007)	Yes (Dierkers et al. 2007, VTPI 2007)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD). Include permanent TMA membership and funding requirement. Funding to be provided by Community Facilities District or County Service Area or other nonrevocable funding mechanism. TDMs have been shown to reduce employee vehicle trips up to 28% with the largest reductions achieved through parking pricing and transit passes. The impact depends on the travel alternatives.
MM T-20: ULEV	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	NA/Low	Yes: Higher than corresponding gasoline models.	Yes	Yes: Fueling stations might not be readily available depending on location. More than 900 E85 fueling	Adverse: No Beneficial: CAPs, TACs	DGS, CA air quality management and control districts and cities/counties (e.g., SMAQMD). Use of and/or provide ULEV that are 50% cleaner than average new model cars (e.g., natural gas, ethanol, electric).

Table 16
Mitigation Measure Summary

Mitigation Measure	Applicable Project/Source Type ¹	Effective		Feasible (Yes/No)		Secondary Effects (Yes/No)	Agency/Organization/Other ⁶	Description/Comments
		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴	Logistical ⁵			
					stations in the U.S., 5 in CA. Vehicles available in select regions only			
MM T-21: Flex Fuel Vehicles	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	5466.97 lb GHG/year/Low (DOE Fuel Economy)	Yes: E85 costs less than gasoline per gallon, but results in lower fuel economy.	Yes	Yes: More than 900 E85 fueling stations in the U.S., 5 in CA. Vehicles available in select regions only	Adverse: Yes Issues with the energy intensive ethanol production process (e.g., wastewater treatment requirements). Beneficial: CAPs, TACs	DGS, CA air quality management and control districts and cities/counties (e.g., SJVAPCD).	Use of and/or provide vehicles that utilize gasoline/ethanol blends (e.g., E85).
Design								
Commercial & Residential Building Design Measures								
MM D-1: Office/Mixed Use Density	LD (C, M), SP, TP, AQP, RR, P/Mobile	0.05%-2%/Moderate: This range is from SMAQMD, depending	Yes	Yes (VTPI 2007)	Yes (VTPI 2007)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties	Project provides high density office or mixed-use proximate to transit. Project must provide

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		on FAR and headway frequencies (Nelson/Nygaard Consulting Associates 2005, EDAW 2006, SMAQMD 2007).				(e.g., SMAQMD).	safe and convenient pedestrian and bicycle access to all transit stops within one-quarter mile.
MM D-2: Orientation to Existing/Planned Transit, Bikeway, or Pedestrian Corridor	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	0.4%-1%/Moderate: CCAP attributes a 0.5% reduction per 1% improvement in transit frequency (Dierkers et al. 2007). SMAQMD presents a range of 0.25%-5% (JSA 2005, EDAW 2006, SMAQMD 2007).	Yes	Yes (Dierkers et al. 2007)	Yes (Dierkers et al. 2007)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD). Project is oriented towards existing transit, bicycle, or pedestrian corridor. Setback distance between project and existing or planned adjacent uses is minimized or nonexistent. Setback distance between different buildings on project site is minimized. Setbacks between project buildings and planned or existing sidewalks are minimized. Buildings are oriented towards existing or planned street frontage. Primary entrances to buildings are located along planned or existing public street frontage. Project provides bicycle access to any planned bicycle corridor(s). Project provides pedestrian access to any planned pedestrian corridor(s).
MM D-3: Services Operational	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	0.5%-5%/Moderate	Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD). Project provides on-site shops and services for employees.

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴	Logistical ⁵		
MM D-4: Residential Density (Employ Sufficient Density for New Residential Development to Support the Use of Public Transit)	LD (R, M), SP, TP, AQP, RR, P/Mobile	1%-40%/High: #7, EPA presents a range of 32%-40% (EPA 2006). SMAQMD presents a range of 1%-12% depending on density and headway frequencies (Nelson/Nygaard Consulting Associates 2005, JSA 2005, EDAW 2006, SMAQMD 2007). Nelson/Nygaard presents a trip reduction formula: Trip Reduction = $0.6 * (1 - (19749 * ((4.814 + \text{households per residential acre}) / (4.814 + 7.14))) ^ - 06.39) / 25914$.	Yes	Yes (VTPI 2007, Holtzclaw 2007)	Yes (VTPI 2007, Holtzclaw 2007)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD). Project provides high-density residential development. Transit facilities must be within one-quarter mile of project border. Project provides safe and convenient bicycle/pedestrian access to all transit stop(s) within one-quarter mile of project border.
MM D-5: Street Grid	LD (R, C, M), I, SP, TP, AQP, RR,	1%/Moderate: SMAQMD presents this % reduction (JSA	Yes	Yes (Dierkers et al. 2007, VTPI 2007)	Yes (Dierkers et al. 2007,	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties Multiple and direct street routing (grid style). This measure only applies to projects

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴			
	P/Mobile	2005, EDAW 2006, SMAQMD 2007).			VTPI 2007)	(e.g., SMAQMD).	with an internal CF ≥ 0.80 , and average of one-quarter mile or less between external connections along perimeter of project. [CF= # of intersections / (# of cul-de-sacs + intersections)]. Cul-de-sacs with bicycle/pedestrian through access may be considered “complete intersections” when calculating the project’s internal connectivity factor. External connections are bike/pedestrian pathways and access points, or streets with safe and convenient bicycle and pedestrian access that connect the project to adjacent streets, sidewalks, and uses. If project site is adjacent to undeveloped land; streets, pathways, access points, and right-of-ways that provide for future access to adjacent uses may count for up to 50% of the external connections. Block perimeter (the sum of the measurement of the length of all block sides) is limited to no more than 1,350 feet. Streets internal to the project should connect to streets external to the project whenever possible.

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴			
MM D-6: NEV Access	LD (R, C, M), SP, TP, AQP, RR, P/Mobile	0.5%-1.5%/Low: SMAQMD presents this % reduction (EDAW 2006, SMAQMD 2007).	Yes	Yes (Litman 1999, Sperling 1994)	Yes (Litman 1999, Sperling 1994)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD). Make physical development consistent with requirements for neighborhood electric vehicles. Current studies show that for most trips, NEVs do not replace gas-fueled vehicles as the primary vehicle.
MM D-7: Affordable Housing Component	LD (R, M), SP, TP, AQP, RR, P/Mobile	0.4%-6%/Moderate: SMAQMD presents this % reduction (Nelson/Nygaard Consulting Associates 2005, EDAW 2006, SMAQMD 2007).	Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD). Residential development projects of five or more dwelling units provide a deed-restricted low-income housing component on-site (or as defined in the code). Developers who pay into In-Lieu Fee Programs are not considered eligible to receive credit for this measure. The award of emission reduction credit shall be based only on the proportion of affordable housing developed on-site because in-lieu programs simply induce a net increase in development. Percentage reduction shall be calculated according to the following formula:

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴	Logistical ⁵			
								% reduction = % units deed-restricted below market rate housing * 0.04
MM D-8: Recharging Area	LD (R, M), SP, TP, AQP, RR, P/Mobile	NA/Low	Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs		Provide residential buildings with a “utility” room or space for recharging batteries, whether for use in a car, electric lawnmower, other electric landscaping equipment, or even batteries for small items such as flashlights.
Mixed-Use Development Measures								
MM D-9: Urban Mixed-Use	LD (M), SP, TP, AQP, RR, P/Mobile	3%-9%/Moderate: SMAQMD presents this % reduction (TIAX 2005, EDAW 2006, SMAQMD 2007).	Yes	Yes (EPA 2006)	Yes (EPA 2006)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD).	Development of projects predominantly characterized by properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with functional interrelationships and a coherent physical design.
MM D-10: Suburban Mixed-Use	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	3%/Moderate: SMAQMD presents this % reduction (TIAX 2005, EDAW 2006, SMAQMD 2007).	Yes	Yes (EPA 2006)	Yes (EPA 2006)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD).	Have at least three of the following on site and/or offsite within one-quarter mile: Residential Development, Retail Development, Park, Open Space, or Office.
MM D-11: Other Mixed-Use	LD (R, M), SP, TP, AQP, RR, P/Mobile	1%/Moderate: SMAQMD presents this % reduction (TIAX 2005, EDAW	Yes	Yes (EPA 2006)	Yes (EPA 2006)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD).	All residential units are within one-quarter mile of parks, schools or other civic uses.

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴			
		2006, SMAQMD 2007).					
MM D-12: Infill Development	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	3%-30%/High: Infill development reduces vehicle trips and VMT by 3% and 20%, respectively (Fehr & Peers 2007). CCAP identifies a site level VMT reduction range of 20%-30% (Dierkers et al. 2007).	Yes	Yes (Dierkers et al. 2007)	Yes (Dierkers et al. 2007)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD). Project site is on a vacant infill site, redevelopment area, or brownfield or greyfield lot that is highly accessible to regional destinations, where the destinations rating of the development site (measured as the weighted average travel time to all other regional destinations) is improved by 100% when compared to an alternate greenfield site.
Miscellaneous Measures							
MM D-13: Electric Lawnmower	LD (R, M), SP, AQP, RR, P/Area	1%/Low: SMAQMD presents this % reduction (EDAW 2006, SMAQMD 2007).	Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD). Provide a complimentary electric lawnmower to each residential buyer.

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MM D-14: Enhanced Recycling/Waste Reduction, Reuse, Composting	LD (R, C, M), I, SP, AQP, RR, P/Stationary & Area	NA/Low	Yes	Yes	Yes: Association with social awareness.	Adverse: No Beneficial: CAPs, TACs	CIWMB	Provide infrastructure/education that promotes the avoidance of products with excessive packaging, recycle, buying of refills, separating of food and yard waste for composting, and using rechargeable batteries.
MM D-15: LEED Certification	LD (R, C, M), I, SP, AQP, RR, P/Stationary & Area	NA/Moderate	Yes: Receive tax rebates, incentives (e.g., EDAW San Diego office interior remodel cost \$1,700,000 for 32,500 square feet) (USGBC 2007)	Yes	Yes: More than 700 buildings of different certifications in CA (USGBC 2007).	Adverse: No Beneficial: CAPs, TACs	USGBC, CA air quality management and control districts and cities/counties (e.g., BAAQMD).	LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality.
MM D-16: Retro-Commissioning	LD (C, M), I, SP, AQP, RR, P/Stationary & Area	8%-10% reduction in energy usage/Moderate: (Mills et al. 2004)	Yes: Average \$0.28/square feet, varies with building size (Haasl and Sharp 1999).	Yes	Yes: 27 projects underway in CA, 21 more to be completed in 2007, mostly state buildings owned by DGS (DGS 2007).	Adverse: No Beneficial: CAPs, TACs	DGS, CA air quality management and control districts and cities/counties (e.g., BAAQMD).	The process ensures that all building systems perform interactively according to the contract documents, the design intent and the owner's operational needs to optimize energy performance.
MM D-17 Landscaping	LD (R, C, M), I, SP, AQP, RR,	NA/Low	Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	Alliance for the Chesapeake Bay, EPA Green Landscaping	Project shall use drought resistant native trees, trees with low emissions and high carbon

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	P/Stationary & Area						Resources	sequestration potential. Evergreen trees on the north and west sides afford the best protection from the setting summer sun and cold winter winds. Additional considerations include the use of deciduous trees on the south side of the house that will admit summer sun; evergreen plantings on the north side will slow cold winter winds; constructing a natural planted channel to funnel summer cooling breezes into the house. Neighborhood CCR's not requiring that front and side yards of single family homes be planted with turf grass. Vegetable gardens, bunch grass, and low-water landscaping shall also be permitted, or even encouraged.
MM D-18: Local Farmers' Market	LD (M), SP/Mobile, Stationary, &	NA/Low	Yes	Yes	Yes: Associated with social	Adverse: No Beneficial: CAPs, TACs	Cities/counties (e.g., Davis, Sacramento)	Project shall dedicate space in a centralized, accessible location for a weekly farmers' market.

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		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴	Logistical ⁵			
	Area				choice and public awareness.			
MM D-19: Community Gardens	LD (M), SP/Mobile, Stationary, & Area	NA/Low	Yes	Yes	Yes: Associated with social choice and public awareness.	Adverse: No Beneficial: CAPs, TACs	Cities/counties (e.g., Davis)	Project shall dedicate space for community gardens.
Energy Efficiency/Building Component								
MM E-1: High-Efficiency Pumps	LD (R, C, M), SP, AQP, RR, P/Stationary & Area	NA/Low	Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., BAAQMD).	Project shall use high-efficiency pumps.
MM E-2: Wood Burning Fireplaces/Stoves	LD (R, M), SP, AQP, RR, P/Stationary & Area	NA/Low: EDAW 2006	Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD).	Project does not feature fireplaces or wood burning stoves.
MM E-3: Natural Gas Stove	LD (R, M), SP, AQP, RR, P/Stationary & Area	NA/Low: EDAW 2006	Yes: Cost of stove—\$350 (gas) and \$360 (electric) same brand, total yearly cost of \$42.17 as opposed to \$56.65 for electric (Saving Electricity 2006).	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD).	Project features only natural gas or electric stoves in residences.

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MM E-4: Energy Star Roof	LD (R, C, M), I, SP, AQP, RR, P/Stationary & Area	0.5%-1%/Low: SMAQMD presents this % reduction (EDAW 2006, SMAQMD 2007).	Yes	Yes	Yes: 866 Energy Star labeled buildings in California (Energy Star 2007)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD).	Project installs Energy Star labeled roof materials.
MM E-5: On-site Renewable Energy System	LD (R, C, M), I, SP, AQP, RR, P/Stationary & Area	1%-3%/Moderate: SMAQMD presents this % reduction (USGBC 2002 and 2005, EDAW 2006, SMAQMD 2007).	Yes	Yes (USGBC 2002 and 2005)	Yes (USGBC 2002 and 2005)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD).	Project provides onsite renewable energy system(s). Nonpolluting and renewable energy potential includes solar, wind, geothermal, low-impact hydro, biomass and bio-gas strategies. When applying these strategies, projects may take advantage of net metering with the local utility.

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Mitigation Measure	Applicable Project/Source Type ¹	Effective	Feasible (Yes/No)		Secondary Effects (Yes/No)	Agency/Organization/Other ⁶	Description/Comments	
		Emissions Reduction/Score ²	Cost (Yes/No) ³	Technical ⁴				
MM E-6: Exceed Title 24	LD (R, C, M), I, GSP, AQP, RR, P/Stationary & Area	1%/Moderate: SMAQMD presents this % reduction (EDAW 2006, SMAQMD 2007).	Yes	Yes (PG&E 2002, SMUD 2006)	Yes (PG&E 2002, SMUD 2006)	Adverse: No Beneficial: CAPs, TACs	PG&E, SMUD, CA air quality management and control districts and cities/counties (e.g., SMAQMD).	Project exceeds title 24 requirements by 20%.
MM E-7: Solar Orientation	LD (R, C, M), I, SP, AQP, RR, P/Stationary & Area	0.5%/Low: SMAQMD presents this % reduction (EDAW 2006, SMAQMD 2007).	Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD).	Project orients 75% or more of homes and/or buildings to face either north or south (within 30° of N/S). Building design includes roof overhangs that are sufficient to block the high summer sun, but not the lower winter sun, from penetrating south facing windows. Trees, other landscaping features and other buildings are sited in such a way as to maximize shade in the summer and maximize solar access to walls and windows in the winter.
MM E-8: Nonroof Surfaces	LD (R, C, M), I, GSP, AQP, RR, P/Stationary & Area	1.0%/Low: SMAQMD presents this % reduction (EDAW 2006, SMAQMD 2007).	Yes	Yes (USGBC 2002 and 2005)	Yes (USGBC 2002 and 2005)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD).	Provide shade (within 5 years) and/or use light-colored/high- albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30% of the site's nonroof impervious surfaces, including parking lots, walkways, plazas, etc.; OR place a minimum of 50% of parking spaces underground or covered by structured parking; OR use an open-grid pavement system (less than 50% impervious) for a minimum of

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								50% of the parking lot area. The mitigation measure reduces heat islands (thermal gradient differences between developed and undeveloped areas to minimize impact on microclimate and human and wildlife habitats. This measure requires the use of patented or copyright protected methodologies created by the ASTM. The SRI is a measure of the constructed surface's ability to reflect solar heat, as shown by a small rise in temperature. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is "0" and a standard white (reflectance 0.80, emittance 0.90) is 100. To calculate SRI for a given material, obtain the reflectance value and emittance value for the material. SRI is calculated according to ASTM E 1980-01. Reflectance is measured

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								according to ASTM E 903, ASTM E 1918, or ASTM C 1549. Emittance is measured according to ASTM E 408 or ASTM C 1371. Default values for some materials will be available in the LEED-NC v2.2 Reference Guide.
MM E-9: Low-Energy Cooling	LD (C, M), I, SP, AQP, RR, P/Stationary & Area	1%-10%/Low: EDAW presents this percent reduction range (EDAW 2006).	Yes	Yes (USGBC 2002 and 2005)	Yes (USGBC 2002 and 2005)	Adverse: No Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD).	Project optimizes building's thermal distribution by separating ventilation and thermal conditioning systems.
MM E-10: Green Roof	LD (R, C, M), I, SP, AQP, RR, P/Stationary & Area	1.0%/Moderate: SMAQMD presents this % reduction (EDAW 2006, SMAQMD 2007).	Yes	Yes (USGBC 2002 and 2005)	Yes (USGBC 2002 and 2005)	Adverse: Increased Water Consumption Beneficial: CAPs, TACs	CA air quality management and control districts and cities/counties (e.g., SMAQMD).	Install a vegetated roof that covers at least 50% of roof area. The reduction assumes that a vegetated roof is installed on a least 50% of the roof area or that a combination high albedo and vegetated roof surface is installed that meets the following standard: (Area of SRI Roof/0.75)+(Area of vegetated roof/0.5) >= Total Roof Area. Water consumption reduction measures shall be considered in the design of the green roof.
MM E-11: EV Charging Facilities	LD (C, M), SP, AQP, RR, P/Stationary & Area	NA/Low	Yes: \$500-\$5000/ vehicle site (PG&E 1999)	Yes	Yes: 381 facilities in CA (Clean Air Maps 2007).	Adverse: No Beneficial: CAPs, TACs	DOE, EERE, CA air quality management and control districts and cities/counties (e.g., BAAQMD).	Project installs EV charging facilities.
MM E-12:	LD (R, C, M),	NA/Low: Increasing	Yes: Light	Yes	Yes: Apply	Adverse: No		Project provides light-colored

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Light-Colored Paving	I, SP, AQP, RR, P/Stationary & Area	the albedo of 1,250 km of pavement by 0.25 would save cooling energy worth \$15M per year.	colored aggregates and white cement are more expensive than gray cement. Certain blended cements are very light in color and may reflect similarly to white cement at an equivalent cost to normal gray cement.		natural sand or gravel colored single surface treatments to asphalt (EOE 2007).	Beneficial: CAPs, TACs		paving (e.g., increased albedo pavement).
MM E-13: Cool Roofs	LD (R, C, M), I, SP, AQP, RR, P/Stationary & Area	NA/Low	Yes: 0.75–1.5/square feet coating (EPA 2007a)	Yes	Yes: Over 90% of the roofs in the United States are dark colored	Adverse: No Beneficial: CAPs, TACs	CEC	Project provides cool roofs. Highly reflective, highly emissive roofing materials that stay 50-60°F cooler than a normal roof under a hot summer sun. CA's Cool Savings

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					(EPA 2007a).			Program provided rebates to building owners for installing roofing materials with high solar reflectance and thermal emittance. The highest rebate went to roofs on air conditioned buildings, while buildings with rooftop ducts and other nonresidential buildings were eligible for slightly less. The program aimed to reduce peak summer electricity demand and was administered by the CEC.
MM E-14: Solar Water Heaters	LD (R, M), SP, AQP, RR, P/Stationary & Area	20%–70% reduction in cooling energy needs/Moderate	Yes: \$1675/20 square feet, requires a 50 gallon tank, annual operating cost of \$176 (DOE 2007).	Yes	Yes: Based on solar orientation, building codes, zoning ordinances.	Adverse: No Beneficial: CAPs, TACs	Europe	Project provides solar water heaters.
MM E-15: Electric Yard Equipment Compatibility	LD (R, M), SP, AQP, RR, P/Stationary & Area	NA/Low	Yes: \$75–\$250/outlet from existing circuit (Cost Helper 2007).	Yes	Yes	Adverse: No Beneficial: CAPs, TACs		Project provides electrical outlets at building exterior areas.
MM E-16: Energy Efficient Appliance Standards	LD (R, C, M), SP, AQP, RR, P/Stationary & Area	NA/Low	Yes: Varies for each appliance—higher capital costs, lower operating costs (Energy	Yes	Yes: Major retail stores.	Adverse: No Beneficial: CAPs, TACs		Project uses energy efficient appliances (e.g., Energy Star).

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Star 2007).							
MM E-17: Green Building Materials	LD (R, C, M), SP, AQP, RR, P/Stationary & Area	NA/Low: 25-30% more efficient on average.	Yes	Yes: BEES software allows users to balance the environmental and economic performance of building products; developed by NIST (NIST 2007).	Yes	Adverse: No Beneficial: CAPs, TACs	Project uses materials which are resource efficient, recycled, with long life cycles and manufactured in an environmentally friendly way.
MM E-18: Shading Mechanisms	LD (R, C, M), I, SP, AQP, RR, P/Stationary, & Area	NA/Low: Up to \$450 annual energy savings (Energy Star 2007).	Yes: Higher capital costs, lower operating and maintenance costs (Energy Star 2007).	Yes	Yes: Major retail stores.	Adverse: No Beneficial: CAPs, TACs	Install energy-reducing shading mechanisms for windows, porch, patio and walkway overhangs.

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MM E-19: Ceiling/Whole-House Fans	LD (R, C, M), I, SP, AQP, RR, P/Stationary, & Area	NA/Low: 50% more efficient than conventional fans (Energy Star 2007).	Yes: \$45-\$200/fan, installation extra (Lowe's 2007).	Yes	Yes: Major retail stores.	Adverse: No Beneficial: CAPs, TACs	Install energy-reducing ceiling/whole-house fans.
MM E-20: Programmable Thermostats	LD (R, C, M), I, SP, AQP, RR, P/Stationary, & Area	NA/Low: \$100 annual savings in energy costs (Energy Star 2007).	Yes: \$60/LCD display and 4 settings for typical residential use (Lowe's 2007).	Yes	Yes: Major retail stores.	Adverse: Yes, Mercury Beneficial: CAPs, TACs	Install energy-reducing programmable thermostats that automatically adjust temperature settings.
MM E-21: Passive Heating and Cooling Systems	LD (R, C, M), I, SP, AQP, RR, P/Stationary, & Area	NA/Low	Yes: \$800 (wall heaters) to \$4,000+ (central systems)	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	Install energy-reducing passive heating and cooling systems (e.g., insulation and ventilation).
MM E-22: Day Lighting Systems	LD (R, C, M), I, SP, AQP, RR, P/Stationary, & Area	NA/Low	Yes: \$1,300 to \$1,500 depending upon the kind of roof (Barrier 1995), installation extra.	Yes	Yes: Work well only for space near the roof of the building, little benefit in multi-floor buildings.	Adverse: No Beneficial: CAPs, TACs	Install energy-reducing day lighting systems (e.g., skylights, light shelves and interior transom windows).
MM E-23: Low-Water Use Appliances	LD (R, C, M), I, SP, AQP, RR, P/Stationary, & Area	NA/Low: Avoided water agency cost for using water-efficient kitchen pre-rinse spray valves of \$65.18 per acre-foot.	Yes: Can return their cost through reduction in water consumption,	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	Require the installation of low-water use appliances.

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			pumping, and treatment.					
MM E-24: Goods Transport by Rail	LD (C, M), I, SP, AQP, RR, P/Mobile	NA/Moderate	Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs	ARB Goods Movement Plan (ARB 2007)	Provide a spur at nonresidential projects to use nearby rail for goods movement.
Social Awareness/Education								
MM S-1: GHG Emissions Reductions Education	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile, Stationary, & Mobile	NA/Low	Yes	Yes	Yes: Similar programs currently exist in CA.	Adverse: No Beneficial: CAPs, TACs		Provide local governments, businesses, and residents with guidance/protocols/information on how to reduce GHG emissions (e.g., energy saving, food miles).
MM S-2: School Curriculum	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile, Stationary, & Mobile	NA/Low	Yes	Yes	Yes: Similar programs currently exist in CA.	Adverse: No Beneficial: CAPs, TACs		Include how to reduce GHG emissions (e.g., energy saving, food miles) in the school curriculum.
Construction								
MM C-1: ARB-Certified Diesel Construction Equipment	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile	NA/Low	Yes: Oxidation Catalysts, \$1,000-	Yes	Yes	Adverse: Yes, NO _x Beneficial: CAPs, TACs	AG, EPA, ARB, and CA air quality management and pollution control districts.	Use ARB-certified diesel construction equipment. Increases CO ₂ emissions when trapped CO and carbon particles

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			\$2,000. DPF, \$5000-\$10,000; installation extra (EPA 2007b).					are oxidized (Catalyst Products 2007, ETC 2007).
MM C-2: Alternative Fuel Construction Equipment	LD (R, C, M), NA/Low I, SP, TP, AQP, RR, P/Mobile		Yes	Yes	Yes	Adverse: Yes, THC, NO _x Beneficial: CO, PM, SO _x	AG, EPA, ARB, and CA air quality management and pollution control districts.	Use alternative fuel types for construction equipment. At the tailpipe biodiesel emits 10% more CO ₂ than petroleum diesel. Overall lifecycle emissions of CO ₂ from 100% biodiesel are 78% lower than those of petroleum diesel (NREL 1998, EPA 2007b).
MM C-3: Local Building Materials	LD (R, C, M), NA/Low I, SP, TP, AQP, RR, P/Mobile		Yes	Yes	Yes: Depends on location of building material manufacture sites.	Adverse: No Beneficial: CAPs, TACs		Use locally made building materials for construction of the project and associated infrastructure.
MM C-4: Recycle Demolished Construction Material	LD (R, C, M), NA/Low I, SP, TP, AQP, RR, P/Mobile		Yes	Yes	Yes	Adverse: No Beneficial: CAPs, TACs		Recycle/Reuse demolished construction material. Use locally made building materials for construction of the project and associated infrastructure.

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Miscellaneous							
MM M-1: Off-Site Mitigation Fee Program	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile & Area	NA/Moderate-High: Though there is currently no program in place, the potential for real and quantifiable reductions of GHG emissions could be high if a defensible fee program were designed.	Yes	Yes	No: Program does not exist in CA, but similar programs currently exist (e.g., Carl Moyer Program, SJVAPCD Rule 9510, SMAQMD Off-Site Construction Mitigation Fee Program).	Adverse: No Beneficial: CAPs, TACs	Provide/Pay into an off-site mitigation fee program, which focuses primarily on reducing emissions from existing development and buildings through retro-fit (e.g., increased insulation).
MM M-2: Offset Purchase	LD (R, C, M), I, SP, TP, AQP, RR, P/Mobile, Stationary, & Area	NA/Low	Yes	Yes	No: ARB has not adopted official program, but similar programs	No	Provide/purchase offsets for additional emissions by acquiring carbon credits or engaging in other market “cap and trade” systems.

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						currently exist.		
Regional Transportation Plan Measures								
MM RTP-1: Dedicate High Occupancy Vehicle (HOV) lanes prior to adding capacity to existing highways.	RTP		Yes	Yes	Yes	Adverse: possible local CO Beneficial: regional CAPs, TACs	Caltrans, local government	Evaluate the trip reduction (and GHG reduction) potential of adding HOV lanes prior to adding standard lanes.
MM RTP-2: Implement toll/user fee programs prior to adding capacity to existing highways.	RTP		Yes	Yes	Yes	Adverse: possible local CO. Beneficial: regional CAPs, TACs	Caltrans	Evaluate price elasticity and associated trip reduction (and GHG reduction) potential with adding or increasing tolls prior to adding capacity to existing highways.
Note: ¹ Where LD (R, C, M) =Land Development (Residential, Commercial, Mixed-Use), I=Industrial, GP=General Plan, SP=Specific Plan, TP=Transportation Plans, AQP=Air Quality Plans, RR=Rules/Regulations, and P=Policy. It is important to note that listed project types may not be directly specific to the mitigation measure (e.g., TP, AQP, RR, and P) as such could apply to a variety of source types, especially RR and P. ² This score system entails ratings of high, moderate, and low that refer to the level of the measure to provide a substantive, reasonably certain (e.g., documented emission reductions with proven technologies), and long-term reduction of GHG emissions. ³ Refers to whether the measure would provide a cost-effective reduction of GHG emissions based on available documentation. ⁴ Refers to whether the measure is based on currently, readily available technology based on available documentation. ⁵ Refers to whether the measure could be implemented without extraordinary effort based on available documentation. ⁶ List is not meant to be all inclusive. Source: Data compiled by EDAW in 2007								

Addressing Climate Change at the Project Level California Attorney General's Office



Under the California Environmental Quality Act (CEQA), local agencies have a very important role to play in California's fight against global warming – one of the most serious environmental effects facing the State today. Local agencies can lead by example in undertaking their own projects, insuring that sustainability is considered at the earliest stages. Moreover, they can help shape private development. Where a project as proposed will have significant global warming related effects, local agencies can require feasible changes or alternatives, and impose enforceable, verifiable, feasible mitigation to substantially lessen those effects. By the sum of their actions and decisions, local agencies will help to move the State away from “business as usual” and toward a low-carbon future.

Included in this document are various measures that may reduce the global warming related impacts at the individual project level. (For more information on actions that local governments can take at the program and general plan level, please visit the Attorney General's webpage, “CEQA, Global Warming, and General Plans” at <http://ag.ca.gov/globalwarming/ceqa/generalplans.php>.)

As appropriate, the measures can be included as design features of a project, required as changes to the project, or imposed as mitigation (whether undertaken directly by the project proponent or funded by mitigation fees). The measures set forth in this package are examples; the list is not intended to be exhaustive. Moreover, the measures cited may not be appropriate for every project. The decision of whether to approve a project – as proposed or with required changes or mitigation – is for the local agency, exercising its informed judgment in compliance with the law and balancing a variety of public objectives.

Mitigation Measures by Category

Energy Efficiency

Incorporate green building practices and design elements.	<p>The California Department of Housing and Community Development's Green Building & Sustainability Resources handbook provides extensive links to green building resources. The handbook is available at http://www.hcd.ca.gov/hpd/green_build.pdf.</p> <p>The American Institute of Architects (AIA) has compiled fifty readily available strategies for reducing fossil fuel use in buildings by fifty percent. AIA “50 to 50” plan is presented in both guidebook and wiki format at http://wiki.aia.org/Wiki%20Pages/Home.aspx.</p>
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<p>Meet recognized green building and energy efficiency benchmarks.</p>	<p>For example, an ENERGY STAR-qualified building uses less energy, is less expensive to operate, and causes fewer greenhouse gas emissions than comparable, conventional buildings. http://www.energystar.gov/index.cfm?c=business.bus_index.</p> <p>California has over 1600 ENERGY STAR-qualified school, commercial and industrial buildings. View U.S. EPA's list of Energy Star non-residential buildings at http://www.energystar.gov/index.cfm?fuseaction=labeled_buildings locator. Los Angeles and San Francisco top the list of U.S. cities with the most ENERGY STAR non-residential buildings. http://www.energystar.gov/ia/business/downloads/2008_Top_25_cities_chart.pdf.</p> <p>Qualified ENERGY STAR homes must surpass the state's Title 24 energy efficiency building code by at least 15%. Los Angeles, Sacramento, San Diego, and San Francisco-Oakland are among the top 20 markets for ENERGY STAR homes nationwide. http://www.energystar.gov/ia/new_homes/mil_homes/top_20_markets.html. Builders of ENERGY STAR homes can be more competitive in a tight market by providing a higher quality, more desirable product. See http://www.energystar.gov/ia/partners/manuf_res/Horton.pdf.</p> <p>There are a variety of private and non-profit green building certification programs in use in the U.S. See U.S. EPA's Green Building / Frequently Asked Questions website, http://www.epa.gov/greenbuilding/pubs/faqs.htm.</p> <p>Public-Private Partnership for Advancing Housing Technology maintains a list of national and state Green Building Certification Programs for housing. See http://www.pathnet.org/sp.asp?id=20978. These include the national Leadership in Energy and Environmental Design (LEED) program, and, at the state level, Build it Green's GreenPoint Rated system and the California Green Builder program.</p> <p>Other organizations may provide other relevant benchmarks.</p>
<p>Install energy efficient lighting (e.g., light emitting diodes (LEDs)), heating and cooling systems, appliances, equipment, and control systems.</p>	<p>Information about ENERGY STAR-certified products in over 60 categories is available at http://www.energystar.gov/index.cfm?fuseaction=find_a_product.</p> <p>The California Energy Commission maintains a database of all appliances meeting either federal efficiency standards or, where there are no federal efficiency standards, California's appliance efficiency standards. See http://www.appliances.energy.ca.gov/.</p> <p>The Electronic Product Environmental Assessment Tool (EPEAT) ranks computer products based on a set of environmental criteria, including energy efficiency. See http://www.epeat.net/AboutEPEAT.aspx.</p> <p>The nonprofit American Council for an Energy Efficient Economy maintains an Online Guide to Energy Efficient Commercial Equipment, available at http://www.aceee.org/ogeece/ch1_index.htm.</p> <p>Utilities offer many incentives for efficient appliances, lighting, heating and cooling. To search for available residential and commercial incentives, visit Flex Your Power's website at http://www.fypower.org/.</p>

Use passive solar design, e.g., orient buildings and incorporate landscaping to maximize passive solar heating during cool seasons, minimize solar heat gain during hot seasons, and enhance natural ventilation. Design buildings to take advantage of sunlight.	<p>See U.S. Department of Energy, Passive Solar Design (website) http://www.energysavers.gov/your_home/designing_remodeling/index.cfm/mytopic=10250.</p> <p>See also California Energy Commission, Consumer Energy Center, Passive Solar Design (website) http://www.consumerenergycenter.org/home/construction/solardesign/index.html.</p> <p>Lawrence Berkeley National Laboratories' Building Technologies Department is working to develop innovative building construction and design techniques. Information and publications on energy efficient buildings, including lighting, windows, and daylighting strategies, are available at the Department's website at http://btech.lbl.gov.</p>
Install light colored "cool" roofs and cool pavements.	<p>A white or light colored roof can reduce surface temperatures by up to 100 degrees Fahrenheit, which also reduces the heat transferred into the building below. This can reduce the building's cooling costs, save energy and reduce associated greenhouse gas emissions, and extend the life of the roof. Cool roofs can also reduce the temperature of surrounding areas, which can improve local air quality. See California Energy Commission, Consumer Energy Center, Cool Roofs (webpage) at http://www.consumerenergycenter.org/coolroof/.</p> <p>See also Lawrence Berkeley National Laboratories, Heat Island Group (webpage) at http://eetd.lbl.gov/HeatIsland/.</p>
Install efficient lighting, (including LEDs) for traffic, street and other outdoor lighting.	<p>LED lighting is substantially more energy efficient than conventional lighting and can save money. See http://www.energy.ca.gov/efficiency/partnership/case_studies/TechAsstCity.pdf (noting that installing LED traffic signals saved the City of Westlake about \$34,000 per year).</p> <p>As of 2005, only about a quarter of California's cities and counties were using 100% LEDs in traffic signals. See California Energy Commission (CEC), Light Emitting Diode Traffic Signal Survey (2005) at p. 15, available at http://www.energy.ca.gov/2005publications/CEC_400_2005_003/CEC_400_2005_003.PDF.</p> <p>The California Energy Commission's Energy Partnership Program can help local governments take advantage of energy saving technology, including, but not limited to, LED traffic signals. See http://www.energy.ca.gov/efficiency/partnership/.</p>
Reduce unnecessary outdoor lighting.	<p>See California Energy Commission, Reduction of Outdoor Lighting (webpage) at http://www.energy.ca.gov/efficiency/lighting/outdoor_reduction.html.</p>

Use automatic covers, efficient pumps and motors, and solar heating for pools and spas.	<p>During the summer, a traditional backyard California pool can use enough energy to power an entire home for three months. Efficiency measures can substantially reduce this waste of energy and money. See California Energy Commission, Consumer Energy Center, Pools and Spas (webpage) at http://www.consumerenergycenter.org/home/outside/pools_spas.html.</p> <p>See also Sacramento Municipal Utilities District, Pool and Spa Efficiency Program (webpage) at http://www.smud.org/en/residential/saving-energy/Pages/poolspa.aspx.</p>
Provide education on energy efficiency to residents, customers and/or tenants.	<p>Many cities and counties provide energy efficiency education. See, for example, the City of Stockton's Energy Efficiency website at http://www.stocktongov.com/energysaving/index.cfm. See also "Green County San Bernardino," http://www.greencountysb.com at pp. 4-6.</p> <p>Businesses and development projects may also provide education. For example, a homeowners' association (HOA) could provide information to residents on energy-efficient mortgages and energy saving measures. See The Villas of Calvera Hills, Easy Energy Saving Tips to Help Save Electricity at http://www.thevillashoa.org/green/energy/. An HOA might also consider providing energy audits to its residents on a regular basis.</p>

Renewable Energy and Energy Storage

Meet "reach" goals for building energy efficiency and renewable energy use.	<p>A "zero net energy" building combines building energy efficiency and renewable energy generation so that, on an annual basis, any purchases of electricity or natural gas are offset by clean, renewable energy generation, either on-site or nearby. Both the California Energy Commission (CEC) and the California Public Utilities Commission (CPUC) have stated that residential buildings should be zero net energy by 2020, and commercial buildings by 2030. See CEC, 2009 Integrated Energy Policy Report (Dec. 2009) at p. 226, available at http://www.energy.ca.gov/2009publications/CEC-100-2009-003/CEC-100-2009-003-CMF.PDF; CPUC, Long Term Energy Efficiency Strategic Plan (Sept. 2008), available at http://www.cpuc.ca.gov/PUC/energy/Energy+Efficiency/eesp/.</p>
Install solar, wind, and geothermal power systems and solar hot water heaters.	<p>The California Public Utilities Commission (CPUC) approved the California Solar Initiative on January 12, 2006. The initiative creates a \$3.3 billion, ten-year program to install solar panels on one million roofs in the State. Visit the one-stop GoSolar website at http://www.gosolarcalifornia.org/. As mitigation, a developer could, for example, agree to participate in the New Solar Homes program. See http://www.gosolarcalifornia.org/builders/index.html.</p> <p>The CPUC is in the process of establishing a program to provide solar water heating incentives under the California Solar Initiative. For more information, visit the CPUC's website at http://www.cpuc.ca.gov/puc/energy/solar/swh.htm.</p> <p>To search for available residential and commercial renewable energy incentives, visit Flex Your Power's website at http://www.fypower.org/.</p>

<p>Install solar panels on unused roof and ground space and over carports and parking areas.</p>	<p>In 2008 Southern California Edison (SCE) launched the nation's largest installation of photovoltaic power generation modules. The utility plans to cover 65 million square feet of unused commercial rooftops with 250 megawatts of solar technology – generating enough energy to meet the needs of approximately 162,000 homes. Learn more about SCE's Solar Rooftop Program at http://www.sce.com/solarleadership/solar-rooftop-program/general-faq.htm.</p> <p>In 2009, Walmart announced its commitment to expand the company's solar power program in California. The company plans to add solar panels on 10 to 20 additional Walmart facilities in the near term. These new systems will be in addition to the 18 solar arrays currently installed at Walmart facilities in California. See http://walmartstores.com/FactsNews/NewsRoom/9091.aspx.</p> <p>Alameda County has installed two solar tracking carports, each generating 250 kilowatts. By 2005, the County had installed eight photovoltaic systems totaling over 2.3 megawatts. The County is able to meet 6 percent of its electricity needs through solar power. See http://www.acgov.org/gsa/Alameda%20County%20-%20Solar%20Case%20Study.pdf.</p> <p>In 2007, California State University, Fresno installed a 1.1-megawatt photovoltaic (PV)-paneled parking installation. The University expects to save more than \$13 million in avoided utility costs over the project's 30-year lifespan. http://www.fresnostatenews.com/2007/11/solarwrapup2.htm.</p>
<p>Where solar systems cannot feasibly be incorporated into the project at the outset, build "solar ready" structures.</p>	<p>U.S. Department of Energy, A Homebuilder's Guide to Going Solar (brochure) (2008), available at http://www.eere.energy.gov/solar/pdfs/43076.pdf.</p>
<p>Incorporate wind and solar energy systems into agricultural projects where appropriate.</p>	<p>Wind energy can be a valuable crop for farmers and ranchers. Wind turbines can generate energy to be used on-site, reducing electricity bills, or they can yield lease revenues (as much as \$4000 per turbine per year). Wind turbines generally are compatible with rural land uses, since crops can be grown and livestock can be grazed up to the base of the turbine. See National Renewable Energy Laboratory, Wind Powering America Fact Sheet Series, Wind Energy Benefits, available at http://www.nrel.gov/docs/fy05osti/37602.pdf.</p> <p>Solar PV is not just for urban rooftops. For example, the Scott Brothers' dairy in San Jacinto, California, has installed a 55-kilowatt solar array on its commodity barn, with plans to do more in the coming years. See http://www.dairyherd.com/directories.asp?pgID=724&ed_id=8409 (additional California examples are included in article.)</p>

<p>Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.</p>	<p>See National Renewable Energy Laboratory, Energy Storage Basics (webpage) at http://www.nrel.gov/learning/eds_energy_storage.html.</p> <p>California Energy Storage Alliance (webpage) at http://storagealliance.org/about.html.</p> <p>Storage is not just for large, utility scale projects, but can be part of smaller industrial, commercial and residential projects. For example, Ice Storage Air Conditioning (ISAC) systems, designed for residential and nonresidential buildings, produce ice at night and use it during peak periods for cooling. See California Energy Commission, Staff Report, Ice Storage Air Conditioners, Compliance Options Application (May 2006), available at http://www.energy.ca.gov/2006publications/CEC-400-2006-006/CEC-400-2006-006-SF.PDF.</p>
<p>Use on-site generated biogas, including methane, in appropriate applications.</p>	<p>At the Hilarides Dairy in Lindsay, California, an anaerobic-lagoon digester processes the run-off of nearly 10,000 cows, generating 226,000 cubic feet of biogas per day and enough fuel to run two heavy duty trucks. This has reduced the dairy's diesel consumption by 650 gallons a day, saving the dairy money and improving local air quality. See http://www.arb.ca.gov/newsrel/nr021109b.htm; see also Public Interest Energy Research Program, Dairy Power Production Program, Dairy Methane Digester System, 90-Day Evaluation Report, Eden Vale Dairy (Dec. 2006) at http://www.energy.ca.gov/2006publications/CEC_500_2006_083/CEC_500_2006_083.PDF.</p> <p>Landfill gas is a current and potential source of substantial energy in California. See Tom Frankiewicz, Program Manager, U.S. EPA Landfill Methane Outreach Program, Landfill Gas Energy Potential in California, available at http://www.energy.ca.gov/2009_energy/policy/documents/2009-04-21_workshop/presentations/05-SCS_Engineers_Presentation.pdf.</p> <p>There are many current and emerging technologies for converting landfill methane that would otherwise be released as a greenhouse gas into clean energy. See California Integrated Waste Management Board, Emerging Technologies, Landfill Gas-to-Energy (webpage) at http://www.ciwmb.ca.gov/LEACentral/TechServices/EmergingTech/default.htm.</p>

Use combined heat and power (CHP) in appropriate applications.	<p>Many commercial, industrial, and campus-type facilities (such as hospitals, universities and prisons) use fuel to produce steam and heat for their own operations and processes. Unless captured, much of this heat is wasted. CHP captures waste heat and re-uses it, e.g., for residential or commercial space heating or to generate electricity. See U.S. EPA, Catalog of CHP Technologies at http://www.epa.gov/chp/documents/catalog_of_%20chp_tech_entire.pdf and California Energy Commission, Distributed Energy Resource Guide, Combined Heat and Power (webpage) at http://www.energy.ca.gov/distgen/equipment/chp/chp.html.</p> <p>The average efficiency of fossil-fueled power plants in the United States is 33 percent. By using waste heat recovery technology, CHP systems typically achieve total system efficiencies of 60 to 80 percent. CHP can also substantially reduce emissions of carbon dioxide. http://www.epa.gov/chp/basic/efficiency.html.</p> <p>Currently, CHP in California has a capacity of over 9 million kilowatts. See list of California CHP facilities at http://www.eea-inc.com/chpdata/States/CA.html.</p> <p>The Waste Heat and Carbon Emissions Reduction Act (Assembly Bill 1613 (2007), amended by Assembly Bill 2791 (2008)) is designed to encourage the development of new CHP systems in California with a generating capacity of not more than 20 megawatts. Among other things, the Act requires the California Public Utilities Commission to establish (1) a standard tariff allowing CHP generators to sell electricity for delivery to the grid and (2) a "pay as you save" pilot program requiring electricity corporations to finance the installation of qualifying CHP systems by nonprofit and government entities. For more information, see http://www.energy.ca.gov/wasteheat/.</p>
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Water Conservation and Efficiency

Incorporate water-reducing features into building and landscape design.	<p>According to the California Energy Commission, water-related energy use – which includes conveyance, storage, treatment, distribution, wastewater collection, treatment, and discharge – consumes about 19 percent of the State's electricity, 30 percent of its natural gas, and 88 billion gallons of diesel fuel every year. See http://www.energy.ca.gov/2007publications/CEC_999_2007_008/CEC_999_2007_008.PDF. Reducing water use and improving water efficiency can help reduce energy use and greenhouse gas emissions.</p>
Create water-efficient landscapes.	<p>The California Department of Water Resources' updated Model Water Efficient Landscape Ordinance (Sept. 2009) is available at http://www.water.ca.gov/wateruseefficiency/landscapeordinance/technical.cfm.</p> <p>A landscape can be designed from the beginning to use little or no water, and to generate little or no waste. See California Integrated Waste Management Board, Xeriscaping (webpage) at http://www.ciwmb.ca.gov/organics/Xeriscaping/.</p>

<p>Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and use water-efficient irrigation methods.</p>	<p>U.S. Department of Energy, Best Management Practice: Water-Efficient Irrigation (webpage) at http://www1.eere.energy.gov/femp/program/waterefficiency_bmp5.html.</p> <p>California Department of Water Resources, Landscape Water Use Efficiency (webpage) at http://www.water.ca.gov/wateruseefficiency/landscape/.</p> <p>Pacific Institute, More with Less: Agricultural Water Conservation and Efficiency in California (2008), available at http://www.pacinst.org/reports/more_with_less_delta/index.htm.</p>
<p>Make effective use of graywater. (Graywater is untreated household waste water from bathtubs, showers, bathroom wash basins, and water from clothes washing machines. Graywater to be used for landscape irrigation.)</p>	<p>California Building Standards Commission, 2008 California Green Building Standards Code, Section 604, pp. 31-32, available at http://www.documents.dgs.ca.gov/bsc/2009/part11_2008_calgreen_code.pdf.</p> <p>California Department of Water Resources, Dual Plumbing Code (webpage) at http://www.water.ca.gov/recycling/DualPlumbingCode/.</p> <p>See also Ahwahnee Water Principles, Principle 6, at http://www.lgc.org/ahwahnee/h2o_principles.html. The Ahwahnee Water Principles have been adopted by City of Willits, Town of Windsor, Menlo Park, Morgan Hill, Palo Alto, Petaluma, Port Hueneme, Richmond, Rohnert Park, Rolling Hills Estates, San Luis Obispo, Santa Paula, Santa Rosa, City of Sunnyvale, City of Ukiah, Ventura, Marin County, Marin Municipal Water District, and Ventura County.</p>
<p>Implement low-impact development practices that maintain the existing hydrology of the site to manage storm water and protect the environment.</p>	<p>Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site. See U.S. EPA, Low Impact Development (webpage) at http://www.epa.gov/nps/lid/.</p> <p>Office of Environmental Health Hazard Assessment and the California Water and Land Use Partnership, Low Impact Development at http://www.coastal.ca.gov/nps/lid-factsheet.pdf.</p>
<p>Devise a comprehensive water conservation strategy appropriate for the project and location.</p>	<p>The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.</p>
<p>Design buildings to be water-efficient. Install water-efficient fixtures and appliances.</p>	<p>Department of General Services, Best Practices Manual, Water-Efficient Fixtures and Appliances (website) at http://www.green.ca.gov/EPP/building/SaveH2O.htm.</p> <p>Many ENERGY STAR products have achieved their certification because of water efficiency. See California Energy Commission's database, available at http://www.appliances.energy.ca.gov/.</p>

Offset water demand from new projects so that there is no net increase in water use.	For example, the City of Lompoc has a policy requiring new development to offset new water demand with savings from existing water users. See http://www.cityoflompoc.com/utilities/pdf/2005_uwmp_final.pdf at p. 29.
Provide education about water conservation and available programs and incentives.	See, for example, the City of Santa Cruz, Water Conservation Office at http://www.ci.santa-cruz.ca.us/index.aspx?page=395 ; Santa Clara Valley Water District, Water Conservation at http://www.valleywater.org/conservation/index.shtm ; and Metropolitan Water District and the Family of Southern California Water Agencies, Be Water Wise at http://www.bewaterwise.com . Private projects may provide or fund similar education.

Solid Waste Measures

Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).	Construction and demolition materials account for almost 22 percent of the waste stream in California. Reusing and recycling these materials not only conserves natural resources and energy, but can also save money. For a list of best practices and other resources, see California Integrated Waste Management Board, Construction and Demolition Debris Recycling (webpage) at http://www.ciwmb.ca.gov/condemo/ .
Integrate reuse and recycling into residential industrial, institutional and commercial projects.	<p>Tips on developing a successful recycling program, and opportunities for cost-effective recycling, are available on the California Integrated Waste Management Board's Zero Waste California website. See http://zerowaste.ca.gov/.</p> <p>The Institute for Local Government's Waste Reduction & Recycling webpage contains examples of "best practices" for reducing greenhouse gas emissions, organized around waste reduction and recycling goals and additional examples and resources. See http://www.ca-ilg.org/wastereduction.</p>
Provide easy and convenient recycling opportunities for residents, the public, and tenant businesses.	Tips on developing a successful recycling program, and opportunities for cost effective recycling, are available on the California Integrated Waste Management Board's Zero Waste California website. See http://zerowaste.ca.gov/ .
Provide education and publicity about reducing waste and available recycling services.	<p>Many cities and counties provide information on waste reduction and recycling. See, for example, the Butte County Guide to Recycling at http://www.recyclebutte.net.</p> <p>The California Integrated Waste Management Board's website contains numerous publications on recycling and waste reduction that may be helpful in devising an education project. See http://www.ciwmb.ca.gov/Publications/default.asp?cat=13. Private projects may also provide waste and recycling education directly, or fund education.</p>

Land Use Measures

<p>Ensure consistency with “smart growth” principles – mixed-use, infill, and higher density projects that provide alternatives to individual vehicle travel and promote the efficient delivery of services and goods.</p>	<p>U.S. EPA maintains an extensive Smart Growth webpage with links to examples, literature and technical assistance, and financial resources. See http://www.epa.gov/smartgrowth/index.htm.</p> <p>The National Oceanic and Atmospheric Administration’s webpage provides smart growth recommendations for communities located near water. See Coastal & Waterfront Smart Growth (webpage) at http://coastalsmartgrowth.noaa.gov/. The webpage includes case studies from California.</p> <p>The California Energy Commission has recognized the important role that land use can play in meeting our greenhouse gas and energy efficiency goals. The agency’s website, Smart Growth & Land Use Planning, contains useful information and links to relevant studies, reports, and other resources. See http://www.energy.ca.gov/landuse/.</p> <p>The Metropolitan Transportation Commission’s webpage, Smart Growth / Transportation for Livable Communities, includes resources that may be useful to communities in the San Francisco Bay Area and beyond. See http://www.mtc.ca.gov/planning/smart_growth/.</p> <p>The Sacramento Area Council of Governments (SACOG) has published examples of smart growth in action in its region. See Examples from the Sacramento Region of the Seven Principles of Smart Growth / Better Ways to Grow, available at http://www.sacog.org/regional/funding/betterways.pdf.</p>
<p>Meet recognized “smart growth” benchmarks.</p>	<p>For example, the LEED for Neighborhood Development (LEED-ND) rating system integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED-ND is a collaboration among the U.S. Green Building Council, Congress for the New Urbanism, and the Natural Resources Defense Council. For more information, see http://www.usgbc.org/DisplayPage.aspx?CMSPageID=148.</p>
<p>Educate the public about the many benefits of well-designed, higher density development.</p>	<p>See, for example, U.S. EPA, Growing Smarter, Living Healthier: A Guide to Smart Growth and Active Aging (webpage), discussing how compact, walkable communities can provide benefits to seniors. See http://www.epa.gov/aging/bhc/guide/index.html.</p> <p>U.S. EPA, Environmental Benefits of Smart Growth (webpage) at http://www.epa.gov/dced/topics/eb.htm (noting local air and water quality improvements).</p> <p>Centers for Disease Control and Prevention (CDC), Designing and Building Healthy Places (webpage), at http://www.cdc.gov/healthyplaces/. The CDC’s website discusses the links between walkable communities and public health and includes numerous links to educational materials.</p> <p>California Department of Housing and Community Development, Myths and Facts About Affordable and High Density Housing (2002), available at http://www.hcd.ca.gov/hpd/mythsnfacts.pdf.</p>

<p>Incorporate public transit into the project's design.</p>	<p>Federal Transit Administration, Transit-Oriented Development (TOD) (webpage) at http://www.fta.dot.gov/planning/planning_environment_6932.html (describing the benefits of TOD as “social, environmental, and fiscal.”)</p> <p>California Department of Transportation (Caltrans), Statewide Transit-Oriented Development Study: Factors for Success in California (2002), available at http://transitorienteddevelopment.dot.ca.gov/miscellaneous/StatewideTOD.htm</p> <p>Caltrans, California Transit-Oriented Development Searchable Database (includes detailed information on numerous TODs), available at http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewHome.jsp.</p> <p>California Department of Housing and Community Development, Transit Oriented Development (TOD) Resources (Aug. 2009), available at http://www.hcd.ca.gov/hpd/tod.pdf.</p>
<p>Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.</p>	<p>U.S. EPA, Smart Growth and Open Space Conservation (webpage) at http://www.epa.gov/dced/openspace.htm.</p>
<p>Develop “brownfields” and other underused or defunct properties near existing public transportation and jobs.</p>	<p>U.S. EPA, Smart Growth and Brownfields (webpage) at http://www.epa.gov/dced/brownfields.htm.</p> <p>For example, as set forth in the Local Government Commission’s case study, the Town of Hercules, California reclaimed a 426-acre brownfield site, transforming it into a transit-friendly, walkable neighborhood. See http://www.lgc.org/freepub/docs/community_design/fact_sheets/er_case_studies.pdf.</p> <p>For financial resources that can assist in brownfield development, see Center for Creative Land Recycling, Financial Resources for California Brownfields (July 2008), available at http://www.cclr.org/media/publications/8-Financial_Resources_2008.pdf.</p>
<p>Include pedestrian and bicycle facilities within projects and ensure that existing non-motorized routes are maintained and enhanced.</p>	<p>See U.S. Department of Transportation, Federal Highway Administration, Bicycle and Pedestrian Program (webpage) at http://www.fhwa.dot.gov/environment/bikeped/.</p> <p>Caltrans, Pedestrian and Bicycle Facilities in California / A Technical Reference and Technology Transfer Synthesis for Caltrans Planners and Engineers (July 2005), available at http://www.dot.ca.gov/hq/traffops/survey/pedestrian/TR_MAY0405.pdf. This reference includes standard and innovative practices for pedestrian facilities and traffic calming.</p>

Transportation and Motor Vehicles

<p>Meet an identified transportation-related benchmark.</p>	<p>A logical benchmark might be related to vehicles miles traveled (VMT), e.g., average VMT per capita, per household, or per employee. As the California Energy Commission has noted, VMT by California residents increased “a rate of more than 3 percent a year between 1975 and 2004, markedly faster than the population growth rate over the same period, which was less than 2 percent. This increase in VMT correlates to an increase in petroleum use and GHG production and has led to the transportation sector being responsible for 41 percent of the state’s GHG emissions in 2004.” CEC, <i>The Role of Land Use in Meeting California’s Energy and Climate Change Goals</i> (Aug. 2007) at p. 9, available at http://www.energy.ca.gov/2007publications/CEC-600-2007-008/CEC-600-2007-008-SF.PDF.</p> <p>Even with regulations designed to increase vehicle efficiency and lower the carbon content of fuel, “reduced VMT growth will be required to meet GHG reductions goals.” <i>Id.</i> at p. 18.</p>
<p>Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation.</p>	<p>For example, reduce parking for private vehicles while increasing options for alternative transportation; eliminate minimum parking requirements for new buildings; “unbundle” parking (require that parking is paid for separately and is not included in rent for residential or commercial space); and set appropriate pricing for parking.</p> <p>See U.S. EPA, <i>Parking Spaces / Community Places, Finding the Balance Through Smart Growth Solutions</i> (Jan. 2006), available at http://www.epa.gov/dced/pdf/EPAParkingSpaces06.pdf.</p> <p>Reforming Parking Policies to Support Smart Growth, Metropolitan Transportation Commission (June 2007) at http://www.mtc.ca.gov/planning/smart_growth/parking_seminar/ToolboxHandbook.pdf.</p> <p>See also the City of Ventura’s Downtown Parking and Mobility Plan, available at http://www.cityofventura.net/community_development/resources/mobility_parking_plan.pdf, and Ventura’s Downtown Parking Management Program, available at http://www.ci.ventura.ca.us/depts/comm_dev/downtownplan/chapters.asp.</p>
<p>Build or fund a major transit stop within or near the development.</p>	<p>“Major transit stop’ means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” (Pub. Res. Code, § 21064.3.)</p> <p>Transit Oriented Development (TOD) is a moderate to higher density development located within an easy walk of a major transit stop. http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewWhatisTOD.htm.</p> <p>By building or funding a major transit stop, an otherwise ordinary development can become a TOD.</p>

Provide public transit incentives such as free or low-cost monthly transit passes to employees, or free ride areas to residents and customers.	<p>See U.S. Department of Transportation and U.S. EPA, Commuter Choice Primer / An Employer's Guide to Implementing Effective Commuter Choice Programs, available at http://www.its.dot.gov/JPODOCS/REPTS_PR/13669.html.</p> <p>The Emery Go Round shuttle is a private transportation service funded by commercial property owners in the citywide transportation business improvement district. The shuttle links a local shopping district to a Bay Area Rapid Transit stop. See http://www.emerygoround.com/.</p> <p>Seattle, Washington maintains a public transportation "ride free" zone in its downtown from 6:00 a.m. to 7:00 p.m. daily. See http://transit.metrokc.gov/tops/accessible/paccessible_map.html#fare.</p>
Promote "least polluting" ways to connect people and goods to their destinations.	<p>Promoting "least polluting" methods of moving people and goods is part of a larger, integrated "sustainable streets" strategy now being explored at U.C. Davis's Sustainable Transportation Center. Resources and links are available at the Center's website, http://stc.ucdavis.edu/outreach/ssp.php.</p>
Incorporate bicycle lanes, routes and facilities into street systems, new subdivisions, and large developments.	<p>Bicycling can have a profound impact on transportation choices and air pollution reduction. The City of Davis has the highest rate of bicycling in the nation. Among its 64,000 residents, 17 percent travel to work by bicycle and 41 percent consider the bicycle their primary mode of transportation. See Air Resources Board, Bicycle Awareness Program, Bicycle Fact Sheet, available at http://www.arb.ca.gov/planning/tsaq/bicycle/factsht.htm.</p> <p>For recommendations on best practices, see the many resources listed at the U.S. Department of Transportation, Federal Highway Administration's Bicycle and Pedestrian website at http://www.fhwa.dot.gov/environment/bikeped/publications.htm.</p> <p>See also Caltrans Division of Research and Innovation, Designing Highway Facilities To Encourage Walking, Biking and Transit (Preliminary Investigation) (March 2009), available at http://www.dot.ca.gov/research/researchreports/preliminary_investigations/docs/pi-design_for_walking_%20biking_and_transit%20final.pdf.</p>
Require amenities for non-motorized transportation, such as secure and convenient bicycle parking.	<p>According to local and national surveys of potential bicycle commuters, secure bicycle parking and workplace changing facilities are important complements to safe and convenient routes of travel. See Air Resources Board, Bicycle Awareness Program, Bicycle Fact Sheet, available at http://www.arb.ca.gov/planning/tsaq/bicycle/factsht.htm.</p>

<p>Ensure that the project enhances, and does not disrupt or create barriers to, non-motorized transportation.</p>	<p>See, e.g., U.S. EPA's list of transit-related "smart growth" publications at http://www.epa.gov/dced/publications.htm#air, including Pedestrian and Transit-Friendly Design: A Primer for Smart Growth (1999), available at www.epa.gov/dced/pdf/ptfd_primer.pdf.</p> <p>See also Toolkit for Improving Walkability in Alameda County, available at http://www.acta2002.com/ped_toolkit/ped_toolkit_print.pdf.</p> <p>Pursuant to the California Complete Streets Act of 2008 (AB 1358, Gov. Code, §§ 65040.2 and 65302), commencing January 1, 2011, upon any substantive revision of the circulation element of the general plan, a city or county will be required to modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users.</p>
<p>Connect parks and open space through shared pedestrian/bike paths and trails to encourage walking and bicycling. Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.</p>	<p>Walk Score ranks the "walkability" of neighborhoods in the largest 40 U.S. cities, including seven California cities. Scores are based on the distance to nearby amenities. Explore Walk Score at http://www.walkscore.com/.</p> <p>In many markets, homes in walkable neighborhoods are worth more than similar properties where walking is more difficult. See Hoak, <i>Walk appeal / Homes in walkable neighborhoods sell for more: study</i>, Wall Street Journal (Aug. 18, 2009), available at http://www.marketwatch.com/story/homes-in-walkable-neighborhoods-sell-for-more-2009-08-18.</p> <p>By creating walkable neighborhoods with more transportation choices, Californians could save \$31 million and cut greenhouse gas emissions by 34 percent, according to a study released by Transform, a coalition of unions and nonprofits. See <i>Windfall for All / How Connected, Convenient Neighborhoods Can Protect Our Climate and Safeguard California's Economy</i> (Nov. 2009), available at http://transformca.org/windfall-for-all#download-report.</p>
<p>Work with the school districts to improve pedestrian and bike access to schools and to restore or expand school bus service using lower-emitting vehicles.</p>	<p>In some communities, twenty to twenty-five percent of morning traffic is due to parents driving their children to school. Increased traffic congestion around schools in turn prompts even more parents to drive their children to school. Programs to create safe routes to schools can break this harmful cycle. See California Department of Public Health, <i>Safe Routes to School</i> (webpage) and associated links at http://www.cdph.ca.gov/HealthInfo/injviosa/Pages/SafeRoutestoSchool.aspx.</p> <p>See also U.S. EPA, <i>Smart Growth and Schools</i> (webpage), available at http://www.epa.gov/dced/schools.htm.</p> <p>California Center for Physical Activity, <i>California Walk to School</i> (website) at http://www.cawalktoschool.com</p> <p>Regular school bus service (using lower-emitting buses) for children who cannot bike or walk to school could substantially reduce private vehicle congestion and air pollution around schools. See Air Resources Board, <i>Lower Emissions School Bus Program</i> (webpage) at http://www.arb.ca.gov/msprog/schoolbus/schoolbus.htm.</p>

<p>Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.</p>	<p>There are numerous sites on the web with resources for employers seeking to establish telework or flexible work programs. These include U.S. EPA's Mobility Management Strategies: Commuter Programs website at http://www.epa.gov/otaq/stateresources/rellinks/mms_commpromgrams.htm; and Telework, the federal government's telework website, at http://www.telework.gov/.</p> <p>Through a continuing FlexWork Implementation Program, the Traffic Solutions division of the Santa Barbara County Association of Governments sponsors flexwork consulting, training and implementation services to a limited number of Santa Barbara County organizations that want to create or expand flexwork programs for the benefit of their organizations, employees and the community. See http://www.flexworks.com/read_more_about_the_fSBp.html. Other local government entities provide similar services.</p>
<p>Provide information on alternative transportation options for consumers, residents, tenants and employees to reduce transportation-related emissions.</p>	<p>Many types of projects may provide opportunities for delivering more tailored transportation information. For example, a homeowner's association could provide information on its website, or an employer might create a Transportation Coordinator position as part of a larger Employee Commute Reduction Program. See, e.g., South Coast Air Quality Management District, Transportation Coordinator training, at http://www.aqmd.gov/trans/training.html.</p>
<p>Educate consumers, residents, tenants and the public about options for reducing motor vehicle-related greenhouse gas emissions. Include information on trip reduction; trip linking; vehicle performance and efficiency (e.g., keeping tires inflated); and low or zero-emission vehicles.</p>	<p>See, for example U.S. EPA, SmartWay Transport Partnership: Innovative Carrier Strategies (webpage) at http://www.epa.gov/smartway/transport/what-smartway/carrier-strategies.htm. This webpage includes recommendations for actions that truck and rail fleets can take to make ground freight more efficient and cleaner.</p> <p>The Air Resources Board's Drive Clean website is a resource for car buyers to find clean and efficient vehicles. The web site is designed to educate Californians that pollution levels range greatly between vehicles. See http://www.driveclean.ca.gov/.</p> <p>The Oregon Department of Transportation and other public and private partners launched the Drive Less/Save More campaign. The comprehensive website contains fact sheets and educational materials to help people drive more efficiently. See http://www.driveless.savemore.com/.</p>
<p>Purchase, or create incentives for purchasing, low or zero-emission vehicles.</p>	<p>See Air Resources Board, Low-Emission Vehicle Program (webpage) at http://www.arb.ca.gov/msprog/levprog/levprog.htm.</p> <p>Air Resource Board, Zero Emission Vehicle Program (webpage) at http://www.arb.ca.gov/msprog/zevprog/zevprog.htm.</p> <p>All new cars sold in California are now required to display an Environmental Performance (EP) Label, which scores a vehicle's global warming and smog emissions from 1 (dirtiest) to 10 (cleanest). To search and compare vehicle EP Labels, visit www.DriveClean.ca.gov.</p>

Create a ride sharing program. Promote existing ride sharing programs e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.	<p>For example, the 511 Regional Rideshare Program is operated by the Metropolitan Transportation Commission (MTC) and is funded by grants from the Federal Highway Administration, U.S. Department of Transportation, the Metropolitan Transportation Commission, the Bay Area Air Quality Management District and county congestion management agencies. For more information, see http://rideshare.511.org/.</p> <p>As another example, San Bernardino Associated Governments works directly with large and small employers, as well as providing support to commuters who wish to share rides or use alternative forms of transportation. See http://www.sanbag.ca.gov/commuter/rideshare.html.</p> <p>Valleyrides.com is a ridesharing resource available to anyone commuting to and from Fresno and Tulare Counties and surrounding communities. See http://www.valleyrides.com/. There are many other similar websites throughout the state.</p>
Create or accommodate car sharing programs, e.g., provide parking spaces for car share vehicles at convenient locations accessible by public transportation.	There are many existing car sharing companies in California. These include City CarShare (San Francisco Bay Area), see http://www.citycarshare.org/ ; and Zipcar, see http://www.zipcar.com/ . Car sharing programs are being successfully used on many California campuses.
Provide a vanpool for employees.	Many local Transportation Management Agencies can assist in forming vanpools. See, for example, Sacramento Transportation Management Association, Check out Vanpooling (webpage) at http://www.sacramento-tma.org/vanpool.html .
Create local "light vehicle" networks, such as neighborhood electric vehicle systems.	<p>See California Energy Commission, Consumer Energy Center, Urban Options - Neighborhood Electric Vehicles (NEVs) (webpage) at http://www.consumerenergycenter.org/transportation/urban_options/nev.html.</p> <p>The City of Lincoln has an innovative NEV program. See http://www.lincolnev.com/index.html.</p>
Enforce and follow limits idling time for commercial vehicles, including delivery and construction vehicles.	Under existing law, diesel-fueled motor vehicles with a gross vehicle weight rating greater than 10,000 pounds are prohibited from idling for more than 5 minutes at any location. The minimum penalty for an idling violation is now \$300 per violation. See http://www.arb.ca.gov/enf/complaints/idling_cv.htm .
Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.	<p>For a list of existing alternative fuel stations in California, visit http://www.cleancarmaps.com/.</p> <p>See, e.g., Baker, <i>Charging-station network built along 101</i>, S.F. Chron. (9/23/09), available at http://articles.sfgate.com/2009-09-23/news/17207424_1_recharging-solar-array-tesla-motors.</p>

Agriculture and Forestry (additional strategies noted above)

<p>Require best management practices in agriculture and animal operations to reduce emissions, conserve energy and water, and utilize alternative energy sources, including biogas, wind and solar.</p>	<p>Air Resources Board (ARB), Economic Sectors Portal, Agriculture (webpage) at http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm. ARB's webpage includes information on emissions from manure management, nitrogen fertilizer, agricultural offroad equipment, and agricultural engines.</p> <p>"A full 90% of an agricultural business' electricity bill is likely associated with water use. In addition, the 8 million acres in California devoted to crops consume 80% of the total water pumped in the state." See Flex Your Power, Agricultural Sector (webpage) at http://www.fypower.org/agri/.</p> <p>Flex Your Power, Best Practice Guide / Food and Beverage Growers and Processors, available at http://www.fypower.org/bpg/index.html?b=food_and_bev.</p> <p>Antle et al., Pew Center on Global Climate Change, Agriculture's Role in Greenhouse Gas Mitigation (2006), available at http://www.pewclimate.org/docUploads/Agriculture's%20Role%20in%20GHG%20Mitigation.pdf.</p>
<p>Preserve forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, groundwater recharge areas and other open space that provide carbon sequestration benefits.</p>	<p>"There are three general means by which agricultural and forestry practices can reduce greenhouse gases: (1) avoiding emissions by maintaining existing carbon storage in trees and soils; (2) increasing carbon storage by, e.g., tree planting, conversion from conventional to conservation tillage practices on agricultural lands; (3) substituting bio-based fuels and products for fossil fuels, such as coal and oil, and energy-intensive products that generate greater quantities of CO₂ when used." U.S. EPA, Carbon Sequestration in Agriculture and Forestry, Frequently Asked Questions (webpage) at http://www.epa.gov/sequestration/faq.html.</p> <p>Air Resources Board, Economic Sectors Portal, Forestry (webpage) at http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm.</p>
<p>Protect existing trees and encourage the planting of new trees. Adopt a tree protection and replacement ordinance.</p>	<p>Tree preservation and planting is not just for rural areas of the state; suburban and urban forests can also serve as carbon sinks. See Cal Fire, Urban and Community Forestry (webpage) at http://www.fire.ca.gov/resource_mgt/resource_mgt_urbanforestry.php.</p>

Off-Site Mitigation

If, after analyzing and requiring all reasonable and feasible on-site mitigation measures for avoiding or reducing greenhouse gas-related impacts, the lead agency determines that additional mitigation is required, the agency may consider additional off-site mitigation. The project proponent could, for example, fund off-site mitigation projects that will reduce carbon emissions, conduct an audit of its other existing operations and agree to retrofit, or purchase verifiable carbon "credits" from another entity that will undertake mitigation.

The topic of off-site mitigation can be complicated. A full discussion is outside the scope of this summary document. Issues that the lead agency should consider include:

- The location of the off-site mitigation. (If the off-site mitigation is far from the project, any additional, non-climate related co-benefits of the mitigation may be lost to the local community.)
- Whether the emissions reductions from off-site mitigation can be quantified and verified. (The California Registry has developed a number of protocols for calculating, reporting and verifying greenhouse gas emissions. Currently, industry-specific protocols are available for the cement sector, power/utility sector, forest sector and local government operations. For more information, visit the California Registry's website at <http://www.climateregistry.org/>.)
- Whether the mitigation ratio should be greater than 1:1 to reflect any uncertainty about the effectiveness of the off-site mitigation.

Offsite mitigation measures that could be funded through mitigation fees include, but are not limited to, the following:

- Energy efficiency audits of existing buildings.
- Energy efficiency upgrades to existing buildings not otherwise required by law, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization (perhaps targeted to specific communities, such as low-income or senior residents).
- Programs to encourage the purchase and use of energy efficient vehicles, appliances, equipment and lighting.
- Programs that create incentives to replace or retire polluting vehicles and engines.
- Programs to expand the use of renewable energy and energy storage.
- Preservation and/or enhancement of existing natural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) that provide carbon sequestration benefits.
- Improvement and expansion of public transit and low- and zero-carbon transportation alternatives.

RESPONSES TO LETTER F-1

Center for Biological Diversity/San Bernardino Valley Audubon Society

Response to Comment F-1-1. The commenter has correctly characterized the World Logistics Center (WLC) project components, and the Draft Environmental Impact Report (DEIR) did examine the potential air quality impacts of the project, as well as potential impacts to the adjacent San Jacinto Wildlife Area (SJWA). The DEIR identified several mitigation measures or actions for air quality and health risks, one extensive measure for greenhouse gas emissions, and 16 measures or actions for potential impacts to biological resources.

It should be noted the Specific Plan (SP) area has been reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet down 2.4 percent from the original 41.6 million square feet.

Response to Comment F-1-2. Several commenters expressed concern regarding the designation of 910 acres of state-owned land within the project area as permanent open space, and “taking credit” for such a designation. This land is referenced as the “CDFW Conservation Buffer Area” in the DEIR. The following information is provided in response to those comments.

The readers need to be aware that prior to being purchased by the state in 2001, these 910 acres were owned by Highland Fairview and were a part of the Moreno Highlands Specific Plan project, approved by the City in 1995. These 910 acres were designated for residential development in the General Plan. Notwithstanding the fact that the California Department of Fish and Wildlife (CDFW) has owned this land since 2001, the 910 acres remain within the City of Moreno Valley and remain a part of the City’s General Plan, and remain designated for residential development. The proposed General Plan Amendment will revise the General Plan designation for this property from residential to Open Space but will not change the disposition of the property.

An identical situation exists relative to the City’s zoning for the property. These 910 acres continue to be zoned for residential development as a part of the Moreno Highlands Specific Plan. The Zone Change that is part of this project will apply an open space zoning to the property to accurately reflect its long-term use as a part of the SJWA, owned and operated by the CDFW.

In addition to correcting the planned long-term use for this property in the City General Plan and zoning, this General Plan Amendment and Zone Change will allow the City to eliminate this residential designation from its long-range development projections used locally and regionally to predict development trends.

The proposed project applications and the accompanying EIR do not “take credit” for amending the General Plan and zoning to accurately reflect the planned long-range use for these 910 acres. The EIR does not contain any such “credit” statements as there is no such “credit” to be sought. There is no suggestion in the EIR that the CDFW property should be considered for mitigation of any WLCSP impacts. The EIR’s discussions regarding this property relate simply to the correction of the City’s land use designations for the property and to confirm that the project proposes no development of any kind on the 910 acres.

Additionally, concern has been expressed about the use of the term, “CDFW Conservation Buffer Area” to describe this 910-acre area. That term is used in the EIR to distinguish this land from the remainder of the SJWA and other lands owned by the CDFW in Section 3.4.1 of the DEIR. The “buffer” reference comes from the minutes of the May 18, 2001 meeting of the Wildlife Conservation Board at which the Board authorized the purchase of land (including the subject 910 acres). 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 [wildlife area] and add significant wildlife benefits to the WLA.” (emphasis added).

At the time of the acquisition, the 910 acres were already designated for urban development under the Moreno Highlands Specific Plan and protected by a Development Agreement with the City. Nothing has changed since the 910 acres were acquired to suggest that the adjacent property would not be ultimately developed, either with the logistics uses proposed as part of the WLC or as allowed by the Moreno Highlands Specific Plan.

Response to Comment F-1-3. The City acknowledges the makeup of the two commenting organizations and their interests in environmental conservation in the Inland Empire region.

Response to Comment F-1-4. The EIR does provide a complete description of the proposed project (DEIR Section 3.0 with 38 pages of text, 4 tables, and 18 figures). The commenter must remember that the DEIR is a programmatic document and thus project-level data such as actual building footprints are not yet available. In addition, each of the 17 environmental issues that could be affected by development of the project were examined in considerable detail (i.e., approx. 1,100 pages for the entire DEIR) especially considering this is a programmatic EIR because specific information on building size and location is not yet available for this project.

Response to Comment F-1-5. The EIR does provide a complete description of the proposed project with text, tables and figures (DEIR Section 3.0) including a figure showing the locations of the many proposed offsite improvements that would be needed to support future development on the project site (DEIR Section 3.4.11 and Figure 3-7). The Project Description (DEIR Section 3.0) also describes these potential offsite improvements within the limits of knowledge about the project at this time. It must be remembered that this DEIR is a programmatic document and thus project-level data such as actual building footprints are not yet available. In addition, each of the 17 environmental issues that could be affected by development of the project is examined in considerable detail (i.e., approx. 1,100 pages for the entire DEIR) especially considering this is a programmatic EIR because specific information on building size and location is not yet available for this project.

Response to Comment F-1-6. The commenter should note the DEIR contains several mitigation measures (e.g., cultural resources, geotechnical constraints, etc.) that specifically address future work for offsite improvements. The commenter also refers to deferring mitigation, but it must be remembered this is a programmatic document which is providing environmental information on this project at the earliest time, as specifically encouraged by CEQA. A mitigation measure has been added as follows to address potential effects to wetlands for offsite improvements.

4.4.6.3C Prior to issuance of any grading permit for any offsite improvements that support development within the World Logistics Center Specific Plan, the developer shall retain a qualified biologist to prepare a jurisdictional delineation (JD) for any drainage channels affected by construction of the offsite improvements. This jurisdictional delineation shall be submitted to the U.S. Army Corps of Engineers (USACE) and California Department of Fish and Wildlife (CDFW) for review and concurrence. If the offsite improvements will not affect any identified jurisdictional areas, no United States Army Corps of Engineers permitting is required. However, permitting through the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (i.e., Streambed Alteration Agreement) may still be required for these improvements. The applicant shall consult with United States Army Corps of Engineers, California Department of Fish and Wildlife and Regional Water Quality Control Board to establish the need for permits based on the results of the 2012 jurisdictional delineation and final design plans for each of the proposed the facilities. Consultation with the three agencies shall take place and appropriate permits obtained. Compensation for losses associated with any altered offsite drainages shall

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

be in agreement with the permit conditions. Any landscaping associated with these offsite improvements shall use only native species to help protect biological resources residing within or traveling through these drainages per Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Table 6.1.2. This measure shall be implemented to the satisfaction of the City Planning Division in consultation with the U.S. Fish and Wildlife Service, U.S. Army Corps. of Engineers, and the California Department of Fish and Wildlife.

The EIR clearly states in many places that future development will require subsequent studies when more specific project information is available, but the DEIR provides adequate programmatic mitigation for anticipated programmatic impacts of overall project development. This “tiering” process is clearly outlined in California Environmental Quality Act (CEQA) Guidelines Sections 15152 and 15385 and encouraged to allow for sequential evaluation of development based on the project information available at the time. The DEIR does not defer mitigation for either onsite or offsite impacts identified in the EIR.

Response to Comment F-1-7. The DEIR does examine potential impacts from offsite improvements and recommends a number of mitigation measures to address geotechnical, cultural, and paleontological impacts (see Mitigation Measure (MM) 4.6.6.1C, MM 4.5.6.1B, and MM 4.5.6.3B, respectively). It must be remembered the DEIR is a programmatic document which evaluates the program-level impacts of WLC development, but a more detailed assessment of specific on- or offsite impacts must wait until specific development information is available (e.g., size and location of logistics warehouse buildings, actual site and size of new reservoir tanks, etc.). The DEIR clearly states that more specific CEQA analysis will be done when more specific project development information is available, which is the appropriate time and process as outlined in CEQA Guidelines Section 15152. The commenter is also incorrect about the analysis of traffic impacts, the DEIR Section 4.15 (pages 4.15-85 through 4.15-226) and the project Traffic Impact Analysis (TIA) (DEIR Appendix L-1) go into tremendous detail about potential traffic impacts from the project on roadways and intersections both in the City of Moreno Valley and many within other jurisdictions.

Response to Comment F-1-8. The WLCSP, as described in the DEIR, includes all project related impacts as well as proposed off-site improvements. Offsite environmental impacts are associated with roadway and utility improvements, several drainage improvements, a water reservoir, and access roads. These off-site improvements are part of the over-all concept of the WLCSP, but have not been completely designed. Specific designs of off-site improvements will not be completed until a project-specific design is proposed. There are no off-site improvements or project related impacts that extent geographically beyond the off-site analysis zone. The DEIR is a programmatic document and the request for site-specific analyses is not possible and not required, but will follow the guidelines outlined in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Additional environmental analysis will be conducted with each project-specific proposal. Please refer to Responses to Comments F-1-4 through F-1-7 above.

Response to Comment F-1-9. All areas of the WLCSP study area were examined at some level. Early surveys of the CDFW Conservation Buffer Area were completed however, when FCS-MBA requested permission to survey the lands within the SJWA an email from Dr. Heather Pert at CDFW (June 18, 2013) indicated that since there would be no impacts to the area, she felt that surveys would not be necessary. The burrowing owl surveys completed in July 2013 included a 500-foot buffer area that incorporated a portion of the SJWA (refer to FEIR Volume 2 in Appendix E-7). While there are no impacts associated with the rezoning and general plan amendment changes on the CDFW Conservation Buffer Area, existing conditions were documented for the DEIR and are justified.

Response to Comment F-1-10. An assessment of potential jurisdictional drainages was completed in 2012 and was revised in 2013 as a part of the MSHCP Consistency Analysis (FCS-MBA 2013 FEIR Volume 2, Appendix E-1). These data are reflected in the Section 4.4 *Biological Resources* of

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

the FEIR Volume 2 and FEIR Appendix E-1. The FEIR depicts a stable and complete project and its impacts are analyzed appropriately. CEQA requires that the impacts be mitigated and the mitigation measure must be clear and feasible. However, in cases where regulatory guidelines and definition of jurisdictional limits change, the impacts and required mitigation may also change. For instance, as a result of the 2001 Solid Waste Agency of North Cook County (SWANCC) case, a wetland must show connectivity to a stream course in order for such a feature to be considered jurisdictional, where previously, all wetland features were under United States Army Corps of Engineers (USACE) jurisdiction. If USACE, CDFW, and/or Regional Water Quality Control Board (RWQCB) guidelines change during the build-out of the WLCSP, the undeveloped projects will be required to follow the most current regulatory requirements.

As noted in the comment, the DEIR is a program level document, as site-specific development will occur over a period of time. Permit requirements cannot be completed until such time that site-specific plans are developed to assess impacts and determine the types of permits required. As an example, the USACE 404 permit structure for Nation Wide Permits (NWP) is revised and evaluated every 5 years. There could be at least three revisions to the NWP process over the life of the project.

All identifiable and potentially jurisdictional drainages on the site were mapped and included in the DEIR and the draft wetland delineation. Currently regulatory jurisdiction of the features is based on the existing regulatory guidance including the 1987 Regional Supplement to the USACE of Engineers Wetland Delineation manual: Arid West Region and Rapanos guidance. Prior to any future development, specific project proposals will have to undergo separate environmental review under CEQA and will be required to secure a formal jurisdictional determination from the USACE as well as jurisdictional determinations from the RWQCB and CDFW.

The applicant shall secure a jurisdictional determination with the USACE and confirm with the RWQCB and CDFW if drainage features mapped on the property are subject to jurisdictional authority and protection. If the features are subject to regulatory protection, the applicant will secure permit approvals with the appropriate agencies prior to initiation of construction. Jurisdictional features will be avoided and unavoidable impacts will be mitigated through the construction of compensatory wetland construction. A Compensatory Mitigation Plan will be prepared for all unavoidable impacts and will be consistent with the USACE/ United States Environmental Protection Agency (USEPA's) "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule and the USACE's Standard Operating Procedure for Determination of Mitigation Ratios."

The updated Jurisdictional Delineation report (refer to FEIR Volume 2 Appendix E-13) assumes CDFW jurisdiction over the entire length of Drainages 7, 8, 9, 12, and 15. In addition these areas are also under the jurisdiction of the RWQCB. A maximum of 5.0 acres of streambed are under CDFW and RWQCB jurisdiction. It should also be noted that Drainages 12 and 15 are both hydrologically connected to downstream waters of the US and are therefore under the USACE jurisdiction.

Impacts to drainage features under USACE, CDFW, and RWQCB jurisdiction are significant impacts requiring mitigation. project related mitigation will be negotiated on a project-by-project basis. Drainage feature impacts will be replaced at a minimum of 1:1 mitigation ratio through the creation of on-site riparian habitat, off-site habitat conservation, or off-site purchase of mitigation credits. Final mitigation requirements will be negotiated during the approval of the appropriate regulatory permits. A project related analysis of the on-site drainage features will be completed on a project-by-project basis.

In summary, as outlined in Responses to Comments F-1-4 and F-1-7 above, the DEIR is a programmatic document which evaluates the program-level impacts of WLC development, but a more detailed assessment of specific on- or offsite impacts must wait until specific development information

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

is available (e.g., size and location of logistics warehouse buildings, actual site and size of new reservoir tanks, etc.).

Response to Comment F-1-11. The revised DEIR (FEIR Volume 2) takes into consideration the extended amount of time for project build-out with regard to changes to regulatory permitting. The updated data includes estimated jurisdictional limits with regard to USACE, RWQCB, and CDFW, as mentioned above in Response to Comment F-1-10. The DEIR is not attempting to hide information or defer mitigation. Jurisdictional permitting occurs after the CEQA process is complete. The regulatory permitting process can occur concurrently with the CEQA process, but permits cannot be issued until a CEQA document is approved. At this point, a general jurisdictional delineation of waters of the US and waters of the State has been completed, but has not been verified by regulatory agencies. Verification of a jurisdictional delineation report is typically done at project-level when specific designs are available and permits are requested. The WLCSP contains drainage features that are subject to USACE, CDFW, and RWQCB permitting. As currently designed the WLCSP may potentially impact 0.6 acres of waters of the US and up to 5.0 acres of waters of the State, this is subject to agency verification. Mitigation for impacts to drainage features will be a minimum of a 1:1 mitigation ratio to ensure a no net loss of riparian habitat. However, final mitigation requirements will be negotiated during permit acquisition during the project-level development process. The EIR sets performance standards for impacts to jurisdictional drainage features that must be satisfied during the permit acquisition project and is included in MMs 4.4.6.3A and 4.4.6.3B refer to Response to Comment F-1-15.

Response to Comment F-1-12. The attached parcel map (see FEIR Volume 2, Appendix H-2) clearly shows it has no development entitlements associated with it, it simply establishes the legal boundaries of the new parcels within the WLCSP.

Response to Comment F-1-13. Both the DEIR and the MSHCP Consistency Analysis (FCS-MBA 2013 – FEIR Volume 2, Appendix E-1) covered all biological aspects of the project. The study area encompassed 5,970 acres, which included the entire WLCSP (2,610 acres), the areas within the General Plan amendment and zone change (1,104 acres) and 302 acres of potential off site infrastructure and 502 acres of indirect impacts associated with the project near lands with Criteria Cells and/or Public Quasi-Public (PQP) lands.

The analyses included all sensitive plant and wildlife species both covered and not covered by the MSHCP to assure that all impacts to both plant and wildlife species would be examined. This is set forth in both the DEIR (Section 4.4) and Appendix E (Biological Resources). Information from California Natural Diversity Database, California Native Plant Society Electronic Inventory, and the Biological Monitoring Program (BMP) of the MSHCP were included in Tables 3 and 4 of the MSHCP Consistency Analysis (FCS-MBA 2013 FEIR Volume 2, Appendix E-1). While there are many species that appear on the CNDDDB and BMP, both the distances to these species and suitable habitat must be used to assess the potential of the species occurring. Tables 3 and 4 of the MSHCP Consistency Analysis (FCS-MBA 2013) provide that assessment (refer to FEIR Volume 2, Appendix E-1).

Response to Comment F-1-14. Both Appendix E in the DEIR and the Appendix E in Volume 2 in the FEIR set forth the physical environment, not only of the areas to be impacted by the proposed action but an area more than double the size of the proposed action (WLCSP is 2,610 acres, plus another 104 acres for potential off site infrastructure). The biological studies covered 5,970 acres inclusive of the 1,104-acre area to be rezoned (with no physical impacts to the land) and 302 acres of offsite infrastructure and an additional 502 acres of indirect impact zone. Tables 2, 3 and 4 of Appendix E of Volume 2 of the FEIR provide information on all of the vegetation communities studied in the 5,970 acres and a breakdown of the impacts on each of the categories. Tables 3 and 4 provide information on all species (both plant and wildlife) that have a potential to occur within seven miles of the boundaries of the study area. The tables include both published data from the California Natural Diversity Data Base (CNDDDB) and California Native Plant Society Electronic Inventory (CNPSEI) and

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

unpublished Geographic Information Systems (GIS) data from the Regional Conservation Authority (RCA). These data, coupled with data on the habitat requirements of each species (covered or not covered by the MSHCP) were used to assess the potential for a species to occur within the WLCSP. This was verified with physical on-ground surveys of the study area as presented in Table B-3.A in Response to Comment B-3-4.

Response to Comment F-1-15. A programmatic Determination of a Biologically Equivalent or Superior Preservation (DBESP) for the WLCSP has been prepared and is an Appendix E Volume 2 of the FEIR. In addition, a jurisdictional assessment of the property was completed for USACE, CDFW, and RWQCB and included as Appendix E-13 Volume 2 of the FEIR.

Section 3.7 of Appendix E-13 provides details on USACE jurisdictional features. Only two of the 15 drainages have connectivity to Traditional Navigable Waters of the U.S. and include Drainage 12 and Drainage 15.

Section 4.12.5 in FEIR Volume 2 Appendix E-13 provides details on riparian/riverine features as defined by the MSHCP. The report states:

“The WLCSP and offsite facilities contain two types of riparian/riverine habitat. The first type consists of unvegetated drainage features, which are described as riverine systems. The second type consists of drainage features with riparian vegetation such as mule fat scrub and southern willow scrub. Both of these riverine/riparian types within the WLCSP are isolated, disturbed, low to moderate in vegetative cover, and generally of poor to moderate habitat quality. Fifteen drainage features were evaluated to determine if they meet the requirements to be considered a riparian/riverine area (Exhibit 8). Nine of the drainage features (Drainage Features 1, 2, 3, 4, 5, 6, 10, 11, and 13) were determined to be upland erosion features and sheet flow within the project site. These features do not provide any function or value as drainage features. Drainage 14 includes two isolated basins that were previously used to collect run-off from a cattle-holding facility. These basins were artificially created as isolated, human-made, catch basin that receives nuisance flows and agricultural runoff from concrete cattle containment areas adjacent to the basin, which have subsequently been removed. There is no evidence of prolonged ponding within the Drainage 14 basins and for this reason, it is not suitable habitat for any of the sensitive fairy shrimp species. The vegetation in the western catch basin comprises sparse southern willow scrub but is not sufficient enough to support any sensitive riparian species. Since Drainage 14 is a man-made feature created in an upland area it is not a riparian/riverine area. The abovementioned 10 features do not meet the minimum criteria to be riverine/riparian and no further discussion is required.

Riverine/Riparian areas are included in Drainages 7, 8, 9, 12, and 15. These features either have riparian habitat or are moderate quality drainage features with a clearly defined bed and bank feature. Drainage 7, 8, and 9 terminate as sheet flow in offsite locations, but are described as riverine because of the function and value of the drainage features. Mule fat scrub, a riparian plant community occurs intermittently in small patches within Drainage Features 7 and 9. Drainage Feature 7 and 8 are both narrow and bordered on each side by disked agricultural fields. Drainage Feature 9 also contains a narrow band of mule fat scrub, but is bordered by relatively undisturbed Riversidean sage scrub. Over time, the drainage feature has been fragmented and currently contains isolated patches of riparian vegetation. Within the mule fat scrub community, tree tobacco and other non-native plant species, have established in approximately equal quantity as mule fat.”

An assessment of waters of the state was conducted and Section 4.2.8 of Appendix E-13 Volume 2 FEIR contains the following information:

“Drainages 7, 8, 9, 12, and 15 were determined to be waters of the state and subject to the jurisdiction of both the CDFW and RWQCB. The jurisdictional limits of waters of the state are not

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

required to have downstream connectivity. There are approximately 3.0 acres of waters of the state, which includes areas with a clearly defined bed and bank feature within the WLCSP and offsite facilities. However, the CDFW makes all final Section 1600 jurisdictional determinations.

Project components affecting stream bed and bank subject to CDFW jurisdiction, including riparian habitat, would require a Streambed Alteration Agreement (SAA) from CDFW.”

While impacts cannot be determined as this time, up to 5 acres of riparian/riverine and/or jurisdictional waters could be impacted by the projects. Details on each development are not available and further development of the discussion is speculative. Section 6.8.3 of Appendix E-13 states:

“Fifteen primary drainage features were evaluated for jurisdiction under Section 404 and 401 of the CWA as administered by USACE and RWQCB, respectively; Porter Cologne as administered by the RWQCB; and Section 1600 of the Fish and Game Code as administered by CDFW.

Only Drainage Features 12 and 15 were determined to be jurisdictional waters of the U.S. under Section 404 and 401 of the Clean Water Act (CWA), as they connect with the Perris Drain, which flows into Canyon Lake and the San Jacinto River. The remaining 13 drainage features onsite lack direct connectivity to any downstream navigable waters of the US or relatively permanent waters. The drainage features onsite also do not flow into any tributaries of the above-mentioned features. Therefore, 13 drainage features onsite are considered upland erosion features and are isolated from any downstream drainage features that are under the jurisdiction of the USACE. The eroded features onsite eventually sheet flow within the active agricultural areas or non-native grassland areas prior to flowing into Mystic Lake or San Jacinto River. No jurisdictional wetlands were identified. Projects affecting drainage features 12 and 15 will require regulatory permits under Section 404 and 401 of the CWA as administered by USACE and RWQCB as well as a permit under Section 1600 of the Fish and Game Code. There is approximately 0.6 acres of drainage features under the jurisdiction of the USACE, CDFW, and RWQCB.

Five drainage features (Drainages 7, 8, 9, 12 and 15) were determined to be waters of the state subject to CDFW and RWQCB jurisdiction under Section 1600 of the Fish and Game Code and Porter Cologne Act respectively. There are 3.0 acres of jurisdictional streambed and bank found within Drainage Features 7, 8, 9, 12, and 15. Projects affecting clearly defined bed and bank features, subject to CDFW and RWQCB jurisdiction, would require a stream alteration agreement (SAA) from CDFW and Waste Discharge Requirements respectively. In addition to the 0.6 acres of water of the U.S. under the jurisdiction of the CDFW and RWQCB mentioned above, there is a maximum of 5.0 acres of waters of the State potentially under the jurisdiction of only the CDFW and RWQCB.

MM BIO-2a of Appendix E-7, Volume 2 FEIR provides for mitigation for Riparian/Riverine impacts and it replaces MM 4.4.6.3B in the FEIR Volume 2, Section 4.4.6.3:

~~**4.4.6.3B** As an alternative to Mitigation Measure 4.3.6.3A, the project developer shall retain a qualified biologist to prepare a Determination of Biologically Equivalent or Superior Project (DBESP) relative to development along Drainage 9 in order to maximize protection or preservation of the drainage, otherwise the DBESP must demonstrate why protection or preservation is not possible. This measure shall be implemented to the satisfaction of the City Planning Division in consultation with the County Resource Conservation Agency (RCA).~~

~~The DBESP shall be prepared to document measures to reduce impacts to riparian/habitats in accordance with the MSHCP as well as CDFW and USFWS guidelines. The DBESP shall include specific measures to reduce impacts to riparian areas and provide mitigation in the form of on-site preservation of riparian areas and/a combination of compensation through purchase and placement of lands with~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

~~riparian/habitat into permanent conservation through a conservation easement and/or restoration or enhancement efforts at off-site or on-site locations.~~

4.4.6.3B ~~As required by the Resource Conservation Agency (RCA), a program-level Determination of a Biological Equivalent or Superior Preservation (DBESP) for impacts to Riverine/Riparian habitat has been prepared and shall be approved by the Resource Conservation Agency prior to project approval. The Determination of a Biological Equivalent or Superior Preservation includes a general discussion of mitigation options for impacts to riverine/riparian areas as well as general location and size of the mitigation area and includes a monitoring program.~~

~~If impacts to riparian habitat within the World Logistics Center Specific Plan (WLCSP) cannot be avoided at the time of specific development, then a separate project-level Determination of Biologically Equivalent or Superior Preservation (DBESP) shall be prepared to identify project-specific impacts to riparian habitat and incorporate mitigation options identified in Mitigation Measure 4.4.6.3A.~~

~~A project-level Determination of a Biological Equivalent or Superior Preservation for each specific development shall be prepared to document measures to reduce impacts to riparian/riverine habitats in accordance with the Western Riverside County Multiple species Habitat Conservation Plan (MSHCP). The project-level Determination of a Biological Equivalent or Superior Preservation shall include specific measures to reduce impacts to riparian areas and provide mitigation in the form of onsite preservation of riparian areas and/or a combination of compensation through purchase and placement of lands with riparian/riverine habitat into permanent conservation through a conservation easement and/or restoration or enhancement efforts at offsite or onsite locations. Therefore, mitigation required for compensation for impacts to riparian/ riverine areas will require a minimum of 1:1 mitigation ratio of riparian/riverine mitigation land.~~

~~As outlined in the WLC programmatic DBESP, erosion control improvements will be installed within Drainage 9 to reduce sediment transport, and additional riparian habitat will be enhanced within this drainage following the installation of the erosion control improvements (MM DBESP 4 and 5).~~

MM BIO-3a of Appendix E-13, Volume 2 FEIR provides for programmatic mitigation of jurisdictional impacts and a new mitigation measure (MM 4.4.6.3A) has been added to the FEIR Volume 2, Section 4.4.6.3 to replace DEIR MM 4.4.6.3A.

4.4.6.3A ~~Prior to the approval of any Plot Plans proposing development adjacent to any on-site drainage channels identified in the project programmatic Jurisdictional Delineation (MBA 2012), the developer shall retain a qualified biologist to prepare a site specific jurisdictional delineation and submit it to the U.S. Army Corps of Engineers (USACE) and California Department of Fish and Wildlife (CDFW) for review and concurrence. If the development plan will not affect identified jurisdictional areas, no USACE permitting is required. However, permitting through the Regional Water Quality Control Board (RWQCB) and CDFW (i.e., Streambed Alteration Agreement) may still be required for this development.~~

~~The applicant shall consult with USACE, CDFW and RWQCB to establish the need for permits based on the results of the 2012 jurisdictional delineation and final design plans for each of the proposed the facilities. Consultation with the three agencies shall take place and appropriate permits obtained. Compensation for losses associated with the altering of drainages on-site shall be in agreement with the permit conditions.~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Any development adjacent to Drainage 9 shall be designed with the channel in its relatively natural condition, and shall provide a minimum 25-foot open space setback from the top of each bank. Any landscaping of this setback area shall use only native species to help protect resources residing within or traveling through these drainages between the SJWA and the Badlands, and to protect any riparian vegetation along this drainage. This measure shall be implemented to the satisfaction of the City Planning Division.

4.4.6.3A Prior to the issuance of grading permits the applicant shall secure a jurisdictional determination from the United States Army Corps of Engineers (USACE) and confirm with the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW) if drainage features mapped on the property to be developed are subject to jurisdictional authority. If the features are subject to regulatory protection, the applicant will secure permit approvals with the appropriate agencies prior to initiation of construction. Compensatory riparian habitat mitigation will be provided at a minimum ratio of 1:1 (replacement riparian habitat to impacted riparian habitat) to ensure no net loss of riparian habitat or aquatic resources. It should be noted that this is a minimum recommended ratio but the actual permitting ratio may be higher. 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. A Compensatory Mitigation Plan will be prepared for all unavoidable impacts and will be consistent with the United States Army Corps of Engineers (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.

The applicant shall consult with United States Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board to establish the need for permits based on the results of a recent jurisdictional delineation and final design plans for each of the proposed the facilities. Consultation with the three agencies shall take place and appropriate permits obtained for project-level development. Compensation for losses associated with the altering of drainages on site shall be in agreement with the permit conditions and in coordination with compensation outlined below.

Mitigation will consist of onsite creation, offsite creation, or purchase of mitigation credits from an approved mitigation bank. As outlined in the WLC programmatic DBESP report, onsite riparian habitat will be created at a minimum 1:1 ratio due to the poor quality of onsite habitat. New habitat will be created within the onsite detention/infiltration basins to the extent allowed by the resource agencies to reduce storm flows, improve water quality, and reduce sediment transport. Habitat creation will include the installation of mule fat scrub or similar riparian scrub habitat to promote higher quality riparian habitat, but still maintain the basins for their primary role as detention facilities. The use of these areas as conservation areas would require consent from CDFW and the City of Moreno Valley (MM BIO-2b and MM DBESP 1 through 3).

The proposed project will increase non-point source pollution and contamination, which may alter hydrology and increase road effects. The increase in non-point pollution and contamination will not destroy sensitive habitat. Mitigation measures outlined throughout the DEIR will be imposed by the City of Moreno Valley through its processing of entitlements on a project-by-project basis regarding light, noise, trash, emissions, vectors, fuel management, runoff, water quality, etc. All project

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

operations within the WLCSP will be required to prepare a Water Quality Management Plan (WQMP), which will specifically detail all of the required safety precautions necessary to eliminate the risk of toxic contamination to any downstream water body.

All project construction activities within the WLCSP will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP), which will specifically detail all of the required safety precautions necessary to eliminate the risk of construction related contamination to any downstream water body. All development within the project area will be required to obtain a statewide general National Pollutant Discharge Elimination System (NPDES) construction permit for all construction activities associated with the proposed project and will be subject to the County of Riverside's regulations to implement the NPDES program.

The NPDES requirements are discussed in detail in Section 4.9 of the DEIR, Hydrology and Water Quality. The vegetated buffer mentioned above as well as a perimeter walls will be used to reduce the emissions leaving the WLCSP. All drainage improvements will be designed to facilitate water quality improvements and will require assessments by vector control to reduce or eliminate standing water, and The SWPPP and NPDES for each project will adequately address all fuel management, runoff water quality requirements.

Response to Comment F-1-16. The DEIR previously stated that no areas subject to USACE and/or RWQCB were identified within the WLCSP. This has been corrected with the revised DEIR (FEIR Volume 2) and the MSHCP Consistency Analysis (FCS-MBA 2013 FEIR Volume 2, Appendix E-1) have been updated to include an updated description of drainage features within the WLCSP. In addition, a revised Jurisdictional Delineation of Waters and Wetlands was also completed to assess all potentially jurisdictional features within the WLCSP. For additional information please refer to Response to Comment F-1-15 above.

Response to Comment F-1-17. A Program-level DBESP was prepared and included as a part of Appendix E-7 (updated Habitat Assessment and MSHCP Consistency Analysis, 2013), Volume 2 FEIR. These MSHCP and DBESP documents have been submitted to the City of Moreno Valley for a Joint Project Review (JPR) and a determination of consistency with the MSHCP.

Response to Comment F-1-18. A programmatic DBESP for the WLCSP has been prepared and is included as part of the Habitat Assessment and MSHCP Consistency Analysis (FCS-MBA 2013) in Appendix E of Volume 2 of the FEIR. See Response to Comment F-1-15, which provides the DBESP response and the process for approval. Section 4.12.5 of Appendix E-7 (FEIR Volume 2) provides details on riparian/riverine features as defined by the MSHCP.

Riparian/Riverine areas are known to occur in Drainages 7, 8, 9, 12, and 15. These features either have riparian habitat or are moderate quality drainage features with a clearly defined bed and bank feature. Drainage 7, 8, and 9 terminate as sheet flow in offsite locations, but are described as riverine because of the function and value of the drainage features. Mule fat scrub, a riparian plant community occurs intermittently in small patches within Drainage Features 7 and 9. Drainage Feature 7 and 8 are both narrow and bordered on each side by disked agricultural fields. Drainage Feature 9 also contains a narrow band of mule fat scrub, but is bordered by relatively undisturbed Riversidean sage scrub. Over time, the drainage feature has been fragmented and currently contains isolated patches of riparian vegetation. Within the mule fat scrub community, tree tobacco and other non-native plant species, have established in approximately equal quantity as mule fat.

While project specific impacts cannot be determined as this time, it is estimated that up to 5 acres of riparian/riverine and/or jurisdictional waters could be impacted by future projects. Details on each development are not available and further development of the discussion is speculative. Section 6.8.3 of Appendix E-13 of Volume 2 FEIR states:

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

“Fifteen primary drainage features were evaluated for jurisdiction under Section 404 and 401 of the CWA as administered by USACE and RWQCB, respectively; Porter Cologne as administered by the RWQCB; and Section 1600 of the Fish and Game Code as administered by CDFW.

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 respectively, but have yet to be verified by resource agencies. Any impacts to drainage features considered riparian/riverine or waters of the state is a significant impact requiring mitigation. It is estimate that no more the 5.0 acres of drainage features that occur within the WLCSP as well as off-site improvement areas will be impacted. Drainage feature impacts will be replaced at a minimum of 1:1 mitigation ratio through the creation of on-site riparian habitat, off-site habitat conservation, or off-site purchase of mitigation credits. Final mitigation requirements will be negotiated during the approval of the appropriate regulatory permits. A project related analysis of the on-site drainage features will be completed on a project-by-project basis.”

Response to Comment F-1-19. The City of Moreno Valley General Plan includes the following Objective and Policy regarding natural drainage features. Objective 7.4 says *“Maintain, protect, and preserve biologically significant habitats where practical, Including the San Jacinto Wildlife Area, riparian areas, habitats of rare and endangered species, and other areas of natural significance.”* In addition, Policy 7.4.3 states...*“Preserve natural drainage courses in their natural state and the natural hydrology, unless the protection of life and property necessitate improvement as concrete channels.”*

It should be noted that the drainage features on site are not natural occurring features. These drainage features are artificially created channels constructed in previous upland areas to protect the surrounding agricultural fields from erosion during storm events. There is no riparian habitat within the Specific Plan area. Drains 7, 8, 9, 12, and 15 support some facultative-wetland species, such as mule fat (*Baccharis salicifolia*). These features are not considered biologically significant habitat due to the lack of natural vegetative cover and poor quality habitat and therefore are not being covered under General Plan Policy 7.4.3. Although these drainage features do not support high-quality habitat, they may be under USACE, CDFW, and/or RWQCB jurisdiction and may require regulatory permits and compensatory mitigation if impacted.

Response to Comment F-1-20. Drainage 14 was originally listed as a riparian/riverine feature based on the presence of riparian plant species. Upon further review of the definition of riparian/riverine in the MSHCP document, the MSHCP clearly states, *“With the exception of wetlands created for the purpose of providing wetlands Habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating characteristics as described above which are artificially created are not included in these definitions.”* Therefore, based on the requirements under the MSHCP, this artificially created ponded area is not considered to be a riverine/riparian area. Appendix E-13 of Volume 2 FEIR Section 4.12.5 states:

“Drainage 14 includes two isolated basins that were previously used to collect run-off from a cattle-holding facility. These basins were artificially created as isolated, human-made, catch basin that receives nuisance flows and agricultural runoff from concrete cattle containment areas adjacent to the basin, which have subsequently been removed. There is no evidence of prolonged ponding within the Drainage 14 basins and for this reason it is not suitable habitat for any of the sensitive fairy shrimp species. The vegetation in the western catch basin comprises sparse southern willow scrub but is not sufficient enough to support any sensitive riparian species. Since Drainage 14 is a fabricated feature created in an upland area it is not a riparian/riverine area.”

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-1-21. Section 4.1.6.4 (Aesthetics) of the DEIR provides a discussion on light and glare. Section 4.4.1.14(f) of the Revised Draft EIR, discusses lighting impact in relationship to the MSHCP Urban/Wildland Interface Analysis. The Specific Plan also contains requirements for off-site lighting (Specific Plan Section 4.3):

“Section 4.1.3 indicates one of the main objectives of the project lighting is “... all lighting in the vicinity of the San Jacinto Wildlife Area shall be designed to confine all direct light rays to the project site and preclude the visibility of direct light rays from the wildlife area” (page 78). The project will also have to comply with the City’s new Nighttime Lighting Ordinance 851, which reduces spillover light to 0.25 foot-candles at five feet from the adjacent property lines.”

There are numerous requirements that must be applied on a project specific basis. These include compliance with the City of Moreno Valley Ordinance 851 on lighting. The DEIR refers to Moreno Valley Municipal Code Section 9.08.100(c)(3), which prohibits lighting in excess of 0.25 foot candles within 5 feet of any property lines.

The purpose and intent of City Ordinance 851 *“is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies.”* Based on application of this ordinance and a review of individual projects adjacent to the SJWA during specific project approval, the project would be in compliance with the established mitigation and no significant impacts would remain.

The original MM 4.1.6.4C recommended low pressure sodium lights on WLCSP buildings that face the San Jacinto Wildlife Area (SJWA). This measure was intended to minimize night lighting impacts on biological resources within the SJWA. However, the measure was eliminated due to low pressure sodium lights being prohibited in the City’s recently adopted Ordinance 851 which amends City Municipal Code Section 9.08.100. The project will still need to minimize white light spillage into the adjacent SJWA and will comply with Ordinance 851. Light intensity levels will be maintained at levels outlined in that ordinance (i.e., prohibit lighting in excess of 0.25 foot candles within 5 feet of adjacent property lines).

As a result of this discussion, the following MM 4.4.6.4K has been added to address night lighting impacts on the SJWA:

4.4.6.4K Prior to approval of any plot plans for development adjacent to the SJWA, the applicant shall demonstrate that direct light rays have been contained within the development area, per requirements of the MSHCP Section 6.0 which states, “Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting.” This measure shall be implemented to the satisfaction of the City Planning Division.

Response to Comment F-1-22. Light pollution is a major problem around large urban developments with regard to its effects on wildlife species. The WLCSP is an extensive area of generally unlighted land, but it is not completely free of existing lighting. Existing light sources include an extensive residential area on the western border of the WLCSP from the base of Mt. Russell to SR-60. The existing Skechers facility is present north of the SJWA boundary and was designed in compliance with City Ordinance 851 (See Response F-1-22). The existing San Diego Gas & Electric (SDG&E) Compressor Station also has extensive lighting along the southern WLCSP boundary.

In addition to these permanent light sources, there is traffic lighting associated with Gilman Springs Road and SR-60 as well as associated night traffic along Eucalyptus Street, Alessandro Boulevard, and other roads through the area. All of these existing light sources are a part of the existing condition and, although speculative, do not appear to have had a significant impact on either migratory birds or

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

wildlife. Extensive biological studies of the survey area since 2005 have not seen evidence of extensive use of the agricultural lands within the WLCSP by avian species. The area does not contain high densities of either migratory birds or any terrestrial wildlife species.

The development of the WLCSP is projected to occur over a 15-year period and would not immediately subject the entire 2,610 acres to an increase in lighting. The gradual increase in light, which shall be in accordance to both City Ordinance and mitigation measures, will be directed and focused on specific building activities and will not subject wildlife in the area to a radical change that could result in changes to existing foraging and predatory systems in the region.

Response to Comment F-1-23. The potential for birds flying at night and becoming confused by lighting and potentially striking buildings is a reality that cannot be ignored. However, with the lighting efforts incorporated in the Specific Plan Guidelines on Lighting and compliance with City Ordinance 851, lighting impacts would be reduced to insignificant levels. The potential for birds striking buildings is real. 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 requirements are 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 15 years. The Specific Plan guidelines contain standards and design guidelines that require the minimal use of lighting for building visibility and safety at night. These guidelines, which minimizes the extensive use of lighting, should reduce the potential for collisions with buildings by reducing confusion for birds.

Response to Comment F-1-24. Design guidelines and mitigation with regard to lighting have been designed to reduce offsite illumination. This, together with a buffer of 250 feet from buildings and the low design of lighting within the facility at less than 30 feet with building heights of a maximum of 80 feet should reduce the potential for predators taking advantage of night lighting by reducing the available off-site lighting. With regard to predation of Stephens’ kangaroo rat (SKR) predation, the species does not currently occupy the WLCSP and while there are numerous trappings of the species nearby, none have been found within the WLCSP. Since light spillage will be minimized and a buffer is provided along the wildlands areas along the southern boundary of the WLCSP, it is unlikely that the increased lighting associated with the development would impact Stephen’s kangaroo rat (SKR).

The reader should also see Response F-1-21 for additional information regarding night lighting. It should be noted the WLCSP is within the Mitigation Fee Area for SKR, and payment of the SKR mitigation fee will be required on a project-by-project basis. The fees will be used to purchase off-site lands within core conservation areas that can be used for the long-term conservation of SKR.

Response to Comment F-1-25. Regulations in the WLCSP prohibit direct light rays from being directed off of the project site. While plants may be sensitive to light pollution, the project site is in an area where light sources are already present. Existing plants in the project site consist primarily of ruderal species and/or planted grains. These plants would be removed by the gradual construction of facilities within the WLCSP and would not be impacted by light pollution as they would be removed with the construction of the facilities.

Trees both within the WLCSP and the 5,970-acre study area in general are very limited. There are some ornamental trees associated with the SDG&E compressor station that would remain following the full build-out of the WLCSP, but they are over 1,500 feet from the southernmost edge of proposed development. A series of tamarisk associated with Drainage Feature 14 could be impacted by the additional lighting as could trees in the residential development along Redlands Blvd. The residential areas are already subject to existing light sources. Based on the minimal amount of trees and the location of trees, even the potential for changes to tree activity should not cause any changes to bird nesting activities in the study area.

Response to Comment F-1-26. Light activities on National Parks and desert habitat is completely different than the effects of light pollution on a relatively urbanized area like the City of Moreno Valley. Many of the nation's National Parks and deserts are extremely isolated with no nearby development. Light impacts associated at a 100-mile distance in an urban area seem unlikely and impossible to detect and are therefore speculative at best. Low levels of light pollution in an otherwise urbanized area is not a significant impact.

The WLCSP is located within the second largest city in Riverside County and not in an isolated wilderness area. The article cited (Letter F-1 Appendix 22) discusses light pollution with regard to "star-gazing." The references for wildlife involved sea turtles hatchlings being confused on a return to the sea and migratory waterfowl. With regard to waterfowl, the existing light pollution in southern California in general should not radically increase with the application of City Ordinance 851 and proposed mitigation. City Ordinance 851 requires a reduction of light pollution generated by the proposed WLCSP, while maintaining dark skies.

Response to Comment F-1-27. The City of Moreno Valley is extremely conservative when it comes to project related effects with regard to light pollution impacts. Project-specific lighting requirements will include compliance with the City of Moreno Valley Ordinance 851 on lighting and two mitigation measures provided in the DEIR. See Responses to Comments F-1-21 and F-1-26 for additional information. Citing light pollution up to 100 miles away in an urbanized area is not applicable to this project.

Response to Comment F-1-28. The DEIR provides a variety of measures to reduce the effect of lighting off site. Application of City Ordinance 851 provides a guideline for light pollution. This will be followed by the Specific Plan Lighting guidelines. MM 4.1.6.4A and MM 4.1.6.4B are required to meet the City of Moreno Valley's requirements regarding potential lighting impacts. The buffer area along the southern portion of the WLCSP is part of the overall project concept and is a project design feature that provides an additional barrier to reduce off-site glare from the proposed development.

Response to Comment F-1-29. See Response to Comment F-13-51 regarding indirect air quality impacts and biological resources.

Response to Comment F-1-30. See Response to Comment F-1-2.

Response to Comment F-1-31. Focused burrowing owl surveys conducted within the study area since 2005 have found burrowing owls within the WLCSP, but only in very limited numbers (no more than a single breeding pair) and only sporadically (not every year). No more than a single pair of burrowing owl has ever been observed or recorded within the boundaries of the WLCSP. Based on the Biological Monitoring Program Burrowing Owl Survey Report 2011 for the SJWA/Mystic Lake/Lake Perris Area (Table 1 pg. 7, FEIR Volume 2, Appendix E-5), no breeding pairs of burrowing owl were found within the SJWA. Burrowing owls have only been identified outside of the breeding season within the SJWA. The report states that this is a decline from the 21 detections in 2006 and the 14 detections in 2007. These sightings are within existing conservation areas but generally more than 1 mile from the WLCSP boundaries. The lack of suitable habitat for burrowing owls in the WLCSP is due to the extensive disking and ground disturbance associated with the dry land agriculture. Suitable burrows for occupancy by burrowing owl have been identified in all surveys conducted by FCS-MBA, but only a single pair has ever been found in a survey season within the WLCSP.

This suggests that the habitat of dry land agriculture (the existing condition of most of the WLCSP area) is moderately suitable for burrowing owls and the loss of this moderately suitable land would not have a long-term impact on the survival of burrowing owls. Notwithstanding these conditions, pre-

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

construction surveys will be required within 30-days of any vegetation removal or soil impacts for future projects as described in MM 4.4.6.4D in Response to Comment F-1-33.

Response to Comment F-1-32. While the City agrees there has been a decline in the population of burrowing owls throughout California, the causes do not appear to be apparent. The RCA study mentioned in Response to Comment F-1-31 indicates that a decline in burrowing owls occurred in an area that was in conservation for three consecutive years of study (2006, 2007, and 2011). The cause is not from a change in habitat status on MSHCP Core Lands, but could be related to weather conditions, prey base, or a combination of factors. Burrowing owls, while found within the WLCSP, were not found every year and were found in limited numbers. The limited number of owls found on the WLCSP site has also varied from year to year, reflecting the conditions of the surrounding area, which tend to be subject to less disturbance. Based on the MSHCP requirements, the loss of a single pair or breeding burrowing owls is not considered a significant impact since the portion of the WLCSP that the burrow owls were observed is considered a non-Criteria Cell area. If a single pair of burrowing owl is observed within a Criteria Cell, then 90% of the area must be conserved until the mitigation goal for burrowing owl has been met. However, if during the project-level protocol surveys, more than three pairs of burrowing owl are observed, conservation of 90% of the occupied habitat will be required and a Determination of a Biologically Equivalent or Superior Preservation (DBESP) will be prepared. Neither is the case within the WLCSP.

Response to Comment F-1-33. Mitigation measures requiring preconstruction surveys prior to construction (MM Bio 6b) would provide for protection to both breeding burrowing owls as well as owls found during the non-breeding season. MM BIO-6b from the MSHCP Consistency Report will reduce the impacts to burrowing owl to a less than significant level. This measure became MM 4.4.6.4D in the DEIR.

4.4.6.4DC ~~Prior to issuance of any grading permits, a~~ A pre-construction clearance survey for burrowing owl shall be prepared and conducted by a qualified biologist and submitted to the City. This survey shall be required and conducted no more than thirty (30) days prior to initiation of any grading or ground disturbing activities within the project area.

In the event no burrowing owls are observed within the limits of ground disturbance, no further mitigation is required.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study disturbance area during the 30-day pre-construction survey, ~~consultation with the CDFW and USFWS shall take place and no construction activity shall take place within~~ maintain a 500-foot-of-an-foot buffer area around any active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. If this avoidance buffer cannot be maintained, consultation with the California Department of Fish and Wildlife (CDFW) shall take place and an appropriate avoidance distance established. No disturbance to active burrows shall occur without appropriate permitting through the ~~MBTA~~ Migratory Bird Treaty Act and/or ~~GDFW~~ California Department of Fish and Wildlife.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation with the ~~CDFW and USFWS~~ California Department of Fish and Wildlife. A relocation plan may be required by California Department of Fish and Wildlife if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provides options for avoidance and mitigation. Artificial burrows -may be constructed within the buffer area south of the World Logistics

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Center Specific Plan. Construction activity may occur within 500 feet of the active nests/burrows at the discretion of the biological monitor in consultation with CDFW.

~~If active nests are identified in a development area, the nests shall be avoided or the owls actively or passively relocated to the 250-foot setback area in the southern portion of the Specific Plan site (see Mitigation Measure 4.4.6.1A). This setback area shall be considered a “conservation area” for burrowing owl or other species of animals or plants that need to be relocated from the portions of the WLCSP site to be developed. In the event no burrowing owls have been identified within the limits of ground disturbance, no further mitigation is required. In the event burrowing owls are identified within the limits of ground disturbance, Mitigation Measure 4.4.6.4D shall apply. To avoid active nests adequately, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31) and 160 feet during the non-breeding season. This measure shall be implemented to the satisfaction of the City Planning Division.~~

- 4.4.6.4D** — ~~If active burrowing owl burrows are detected outside the breeding season, passive and/or active relocation may be undertaken following consultation with and approval by the CDFW and/or USFWS. The installation of one-way doors may be installed as part of a passive relocation program. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and back filled to ensure that animals do not re-enter the holes/dens. Owls may also be actively relocated on-site to the 250-foot clear buffer zone along the southern boundary of the WLCSP, as outlined in Mitigation Measure 4.4.6.1A. This measure shall be implemented to the satisfaction of the City Planning Division.~~

A relocation plan may be required by California Department of Fish and Wildlife if active or passive relocation is necessary. Artificial burrows may be constructed within appropriate burrowing owl habitat within the proposed open space/conservation area (Planning Area 30), a 74.3-acre area in the southwest portion of the Specific Plan. This area abuts the Lake Perris State Recreation Area (LPSRA) which is already in conservation. 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. Construction activity may occur within 500 feet of the burrows at the discretion of the biological monitor

This series of measures would protect the loss of individuals. The WLCSP does not have more than moderately suitable foraging habitat for the loss of 2,610 acres of foraging habitat in a region with thousands of acres of foraging habitat would not be considered significant with the implementation of the following new MM 4.4.6.4C has been added to FEIR Volume 2 Section 4.4.6.3:

- 4.4.6.4C** The loss of foraging habitat for golden eagle and white-tailed kite will be mitigated by payment of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) fee and the creation of a landscaped buffer area adjacent to the San Jacinto Wildlife Area property (SJWA). First, the payment of the Western Riverside County Multiple species Habitat Conservation Plan fee will be required on a project-by-project basis. Second, a 250-foot setback as described in Mitigation Measure 4.4.6.1A will be established within the World Logistics Center Specific Plan area. This area will reduce impacts to raptor species foraging in the adjacent San Jacinto Wildlife Area open space areas.

Response to Comment F-1-34. There is no evidence that the MSHCP will fail to protect biological resources in western Riverside County. The RAND Report (2008) discussed the potential for an imbalance in conservation dollars being available. This was primarily due to the changes to the

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

housing industry and lack of development throughout the County causing a reduction in lands put into conservation. The converse of this is that less land is being impacted. The RCA 2012 Annual Report discusses issues associated with the MSHCP. One area of concern is that one of the 37 rough step vegetation categories is out of Rough Step. Rough Step Unit 8: Grasslands is not sufficiently conserved. The RCA will continue to work toward acquiring properties with the appropriate vegetation category to address the Rough Step Unit that is not currently in Rough Step.

While the target for conservation is currently below originally established thresholds, the acres of loss are also below projected numbers. The 2012 report also states that *“The RCA Board received the Fiscal Year 2011-12 (July 1, 2011 to June 30, 2012) Financial Statements and Independent Auditors’ Report of the RCA with no reportable findings.”* Therefore, it is reasonable to assume that the mitigation measures proposed in the DEIR, with regard to MSHCP, will remain viable during the 15-year build-out period for the WLCSP.

Response to Comment F-1-35. There have been no follow-up studies to the RAND study over the past 5 years. In the report, costs assumptions regarding the MSHCP program were discussed in terms of the 2007 market value of land. These assumptions are the key statement of the RAND study and must be evaluated under current land values, which are substantially lower than they were in 2007 (RAND Report 2008). To speculate on current and future land values associated with acquisition is unwarranted. There have been no statements by either the United States Fish and Wildlife Service (USFWS) or CDFW on the MSHCP program being in jeopardy. The MSHCP program does regulate the fee-to-land values and these are updated on a regular basis. Furthermore, land values will most likely change over the 15-year build out of the WLCSP.

Response to Comment F-1-36. The DEIR is not responsible for speculating on the long-term life of the MSHCP. Since the WLCSP EIR is a program level document, and development is projected to occur over a 15 year period and individual analyses of projects as they require permits and approvals is necessary, there should be no issue. The WLCSP lands were never considered for Reserve Assembly (Conservation with the MSHCP) and therefore, the losses were not considered significant. The payment of fees for the right to develop has regularly been adjusted and fee payment would occur at the time of project specific development. To speculate on the “what ifs” of a collapse of the MSHCP is beyond the scope of this EIR. The general paucity of sensitive species within the WLCSP must also be considered. There will be very little biological impact and substantial mitigation included in the EIR adequately provides for these impacts.

Response to Comment F-1-37. The relatively small population of burrowing owl in the region, as discussed in Responses to Comments F-1-31 through F-1-33, indicates that indirect impacts associated with vehicle collisions is extremely unlikely. Although the City cannot completely rule out the possibility that a vehicle may strike burrowing owl, the possibility of severe losses of burrowing owl due to vehicular deaths is highly unlikely.

While traffic will increase along Theodore Street and SR-60, there is no data on the current number of “road kills” in the area therefore, it is difficult to project increases or decreases caused by changes in traffic patterns and new development. However, due to the disturbed nature of the WLCSP, it is unlikely that a significant amount of wildlife species will be impacted by an increase in traffic. However, as a project design feature, several culverts beneath Gilman Springs Road and SR-60 will be maintained or replaced, which will provide a crossing to greatly reduce impacts to smaller, more mobile, wildlife species.

A similar statement can be made for the SKR. The WLCSP habitat of primarily dry land agriculture is not suitable habitat for the SKR. There are currently no figures on “road kill” of SKR for the general project area. Speculation on increased “kills” due to increased traffic on the roadways in the vicinity cannot be made. Regardless, SKR is covered under the SKR HCP and payment of the SKR Mitigation Fee is required on a project-by-project basis and will reduce project related impacts to a

level less than significant. The SKR mitigation fees will be used to purchase off-site land that is currently occupied and within the Core Reserve Area for SKR.

Response to Comment F-1-38. Since the vast majority of the WLCSP and a large portion of the CDFW Conservation Buffer Area is currently in agriculture, the current level of pesticide use, particularly herbicides for weed control would be reduced by implementation of the WLCSP.

Currently any pesticides would be washed into the drainages present on the site and carried offsite. BMPs will be put in place as a requirement for any future project. If and when rodenticides are used, the applicant will only use bait products for rodent elimination, which must contain chlorophacinone or diphacinone as requested by CDFW and included in Response to Comment B-3-32.

Section 4.9.6 of the DEIR provides a number of measures, primarily associated with water quality concerns, to reduce the effects of pesticides on biological resources (MMs 4.9.4.1A, 4.9.6.2A, 4.9.6.2B, 4.9.6.3A, and 4.9.6.3C).

Site design Best Management Practices (BMPs) are implemented to create a hydrologically-functional project design that attempts to mimic the natural hydrologic regime. In accordance with the Riverside County WQMP, projects shall implement site design concepts that achieve each of the following:

1. Minimize Urban Runoff
 - a. Maximize the permeable area.
 - b. Incorporate landscaped buffer areas between sidewalks and streets.
 - c. Maximize canopy interception and water conservation by planting native or drought-tolerant trees and large shrubs.
 - d. Use natural drainage systems.
 - e. Where soil conditions are suitable, use perforated pipe or gravel filtration pits for low flow infiltration.
 - f. Construct on-site ponding areas or retention facilities to increase opportunities for infiltration consistent with vector control objectives.
2. Minimize Impervious Footprint
 - a. Maximize the permeable area.
 - b. Construct streets, sidewalks, and parking lot aisles to the minimum widths necessary, provided that public safety and a walk able environment for pedestrians are not compromised.
 - c. Reduce widths of street where off-street parking is available.
 - d. Minimize the use of impervious surfaces such as decorative concrete, in the landscape design.
3. Conserve Natural Areas
 - a. Conserve natural areas.
 - b. Maximize canopy interception and water conservation by planting native or drought-tolerant trees and large shrubs.
 - c. Use natural drainage systems.
4. Minimize Directly Connected Impervious Areas (DCIAs)
 - a. Runoff from impervious areas will sheet flow or be directed to treatment control BMPs.
 - b. Streets, sidewalks, and parking lots will sheet flow to landscaping/bio retention areas.

All of these measures reduce the potential for pesticide use to cause impact to the biological resources that would be onsite after full development and the surrounding area.

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

Response to Comment F-1-39. The DEIR provides several appropriate mitigation measures that will reduce significant biological resource impacts to a less than significant level. Compliance with the MSHCP guidelines is only one portion of the required mitigation for project related impacts, however, it is the only mitigation measure that is required that ensures long-term conservation of special status plant and wildlife species.

As designed and negotiated with federal and state resource agencies, the MSHCP provides incidental take authority for sensitive plant and wildlife species and the payment of the MSHCP Development Fee is used to purchase lands within Core Conservation Areas for the long-term conservation of high-quality habitat for those species. All MSHCP requirements are discussed in the Habitat Assessment and MSHCP Consistency Analysis (FCS-MBA 2013 FEIR Volume 2, Appendix E-1) and compliance with the MSHCP will reduce the potentially significant impacts to a less than significant level. There will be no impacts to vernal pools, narrow endemic plants, and/or riparian bird species due to a lack of suitable habitat. Under the MSHCP, the only required survey and assessment is for burrowing owl and riparian/riverine areas and appropriate mitigation measures are discussed in MMs 4.4.6.4C and 4.4.6.4D regarding burrowing owl and MM 4.4.6.3B regarding riparian/riverine.

Response to Comment F-1-40. See Response to Comment F-1-2.

Response to Comment F-1-41. The commenter indicates that the EIR fails to adhere to the standards of a good faith analysis. The DEIR quantifies greenhouse gas emissions (see Section 4.7.6.1 in DEIR). In addition, the greenhouse gas analysis was refined in the FEIR and addresses concerns raised by the commenter (refer to FEIR Volume 2 Section 4.7).

Response to Comment F-1-42. The commenter claims that the EIR fails to disclose and analyze conflicts with regional greenhouse gas plans. However, the DEIR conducted a good faith effort to address consistency with the applicable plans, as shown in Impact 4.7.6.2 (pages 4.7-36 through 4.7-43) in the DEIR. Please refer to Master Response-1 in Response to Comment C-3, which explains the differences in the greenhouse gas approach between the DEIR and the FEIR.

Response to Comment F-1-43. The commenter questions whether the project is consistent with vehicle miles traveled (VMT) reduction strategies in that it is not along a high quality transit corridor. The commenter also states that a 50-mile average truck trip, which he believes is an under-estimate, *“hardly qualifies for a reduction in vehicle miles traveled.”*

The TIA concurs with the commenter that transit service to the project site is poor, but points out that this is due to the current lack of demand at a site that currently consists of dry-agriculture fields and seven houses. The project would include transit-supportive features (see Chapter 12, Section D of the TIA, FEIR Volume 2, Appendix L-1) and it is expected that transit service will be provided once the project reaches a transit-supportable level of operations.

The project is consistent with VMT reduction strategies because it improves jobs-housing balance in the City of Moreno Valley (See Chapter 3, Section E sub-section entitled Moreno Valley’s Economy of the TIA, FEIR Volume 2, Appendix L-1). In doing so, the project would reduce VMT for workers who would otherwise travel to more distant employment locations (See Chapter 4, Section D sub-section entitled WLC Auto Traffic of the TIA, FEIR Volume 2, Appendix L-1).

The 50 mile figure for average truck distance is a default value suggested by the SCAQMD for use when modeling data is not available. Tests with the Riverside County Traffic Analysis Model (RivTAM) model suggest that the actual average truck trip length for the WLC would be 30 to 40 miles, so the 50-mile figure is a conservative estimate since it over-states rather than under-states project impacts. The commenter claims that the project fails to comply with the City of Moreno Valley General Plan policies.

The analysis of consistency with greenhouse gas related Moreno Valley General Plan policies is contained in the DEIR (see Table 4.7.L, page 4.7-41) and in the revised analysis and concludes that the project does comply with the General Plan policies.

The commenter claims that the project fails to comply with the City of Moreno Valley Climate Action Strategy (Strategy). The project was inconsistent with the Strategy because it was not required to exceed Title 24 requirements. However, MM 4.16.4.6.1C requires that the project exceed Title 24 by 10 percent. Therefore, the project is now consistent with the Strategy. The DEIR included a thorough analysis of the project consistency with the Strategy (the table is contained in Appendix D of Appendix D of the DEIR). The revised report also contains this analysis (FEIR Volume 2 Appendix D).

The commenter indicates that the project would not be consistent with the City's Strategy R2-T1, Land Use Based Trips and VMT Reduction Policies. The DEIR stated that the project would be consistent with the strategy with MM 4.3.6.4A (page 4.7-41 of the DEIR). However, this is a typographical error. As shown in the January 2013 air quality report (Appendix D of the DEIR, page 226), this is shown as not applicable. This change has been made in the FEIR. (refer to EIR Volume 2 Section 4.7)

The commenter makes reference to the DEIR assumption that trucks would travel 50 miles per trip. This has been refined in the revised analysis pursuant to substantial evidence provided in the revised TIA and now reflects roadway and freeway project-specific traffic volumes and provides a more specific and detailed analysis (refer to Response to Comment F-1-50).

Response to Comment F-1-44. The commenter states that the project would not be consistent with the Renewable Portfolio Standard of achieving a 33 percent renewable energy. The project would be required to comply with MM 4.16.4.6.1C, which requires that the project provide solar power generation. In addition, the Renewable Portfolio Standard requires that energy utilities, not electricity users, incorporate at least 33 percent renewable energy; therefore, the standard is not technically applicable to the project. Please see the Mitigation Monitoring Reporting Program in the FEIR Volume 1 for a list of the project's mitigation measures.

The commenter questions why the EIR claims to be consistent with a Sustainable Communities Strategy (SCS) when one has not been adopted for Riverside County and because the project fails to apply SCAG strategies because they are not applicable to the project. The greenhouse gas section in the DEIR does not make this claim; it is not clear to what the commenter is referring.

The commenter indicates that there is no quantitative or logical analysis of how the project's greenhouse gas emissions could be consistent with Executive Order S-3-05. This has been clarified in the FEIR, see Section 4.7.6.2.

Response to Comment F-1-45 and F-1-46. The commenter indicates that the volume of project emissions of greenhouse gases would prohibit Moreno Valley's compliance with greenhouse gas (GHG) reduction strategies. The commenter states that the project's greenhouse gas emissions are 76 percent of the City's projected 2020 GHG emissions. This percent comparison is incorrect for the following reasons:

- a) As discussed in the DEIR (App. D at page 215), the City inventory and the project emissions cannot be directly compared because the emissions estimation methodology differs between the two analyses and because the project's emissions include emissions in the entire South Coast Air Basin (SCAB), not only the City. This is further clarified in the revised air quality analysis:

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The project's operational emissions cannot be directly compared with the citywide community emissions inventory prepared for the City of Moreno Valley for the following reasons. First, the City's future inventory does not include the project's greenhouse gas emissions. The City's inventory was prepared prior to the Notice of Preparation of this project's EIR. The Notice of Preparation was released in January 2012 and the inventory was finalized in February 2012 (it was prepared in 2011).

Second, the methodology used to derive the City's inventory is different. The motor vehicle estimates in the City inventory use the Transportation Analysis and Simulation System (TRANSIMS) model, and includes trips that begin and/or end within the City limits and includes miles from all trips within Moreno Valley and half of the miles from trips that begin or end in Moreno Valley. The project's motor vehicle emissions include emissions throughout the entire SCAB. Due to the fundamental differences in approach of estimating emissions, comparisons between the two inventories are meaningless. (refer to the revised air quality analysis in FEIR Volume 2 Appendix D)

- b) *If the emissions were compared, the mitigated emissions at the year 2020 should be used, not the emissions at buildout (after year 2031).* In addition, the project's emissions were not included in the City's greenhouse gas inventory; therefore, the project's emissions should be added to the City's emissions for a direct comparison. The revised greenhouse gas analysis estimated greenhouse gas emissions in the year 2020 at approximately 164,000 metric tons carbon dioxide equivalent (MTCO_{2e}) (total AB 32 capped and uncapped emissions, mitigated, including construction). Added to the City's emissions would be approximately 962,000 MTCO_{2e} (164,000 + 798,000). Therefore, project emissions would be 17 percent, not 76 percent. The project's buildout emissions (after the year 2031) should not be compared with the City's inventory because the City did not estimate emissions after the year 2020. However, as discussed in (a) above, the project's emissions include emissions outside of the City's jurisdiction and boundaries so a direct comparison should not be made, with the 17 percent resulting in a grossly overestimated project contribution to the City's greenhouse gas inventory. For this reason and those stated earlier, such comparisons lack meaningful value.
- c) As stated above, the project is not included in the City's GHG inventory. If the project was included, both the City's business as usual emissions in 2020 and the reductions would be greater.

The commenter questions how the project would impact the ability of the City to achieve its greenhouse gas reduction targets. As shown in the DEIR, the project is consistent with the policies in the City's Climate Action Strategy. The Strategy states, "The purpose and intent of these policies is to achieve compliance with AB 32 and reduce GHG by 15 percent by 2020" (Strategy, page 6). Regulations are included in both the unmitigated and mitigated project greenhouse gas emissions; therefore, it is difficult to identify the percent reduction from regulation. For the greenhouse gas emissions that are not covered by AB 32 (the uncapped emissions), mitigation would reduce these emissions by approximately 70 percent at build out. For the AB 32 capped emissions, mitigation would reduce those emissions by 4 percent. This exceeds the greenhouse gas emission reduction goal identified in the City's Climate Action Strategy.

Response to Comment F-1-47. This is an introductory paragraph that outlines the comments that follow; see Responses to Comments F-1-48 through F-1-53.

Response to Comment F-1-48. The analysis of the energy use by fuel type was included in the DEIR and is summarized in Tables 4.16.I and 4.16.J. It is expected that natural gas distribution systems will need to be installed to accommodate gas usage within the project. It is assumed that gas usage will be limited to the office space included within the logistics buildings. The warehouse portion of the building is typically un-air conditioned spaces (no heating or cooling other than fans), the other

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

energy demands come from the lighting and the material handling equipment neither of which utilizes natural gas. Therefore the warehousing portion of the building is not expected to produce a demand for natural gas. Table F-1.A (Table 4.16.J of Section 4.16 of the FEIR Volume 2) has been updated to reflect that office space is a use within the logistic building not a stand-alone land use. In addition, the revised Specific Plan requires future users to install photovoltaic solar panels to generate electricity.

There are back-up generators that are used to power the Information Technologies (IT) systems in the event of a brown/blackout. Single or interim demands from back-up generators are typically not included in calculating yearly natural gas demands. However, for a typical air quality analyses, it is assumed that each generator will operate 50 hours per year (for testing).

Table F-1.A: Natural Gas Demand and Consumption

Use within Logistics Building	% of Total Square Footage	Building Area (sf)	Natural Gas Consumption Factor (cf/yr/sf) ¹	Natural Gas Consumption (cf/yr) ¹
Warehouse	97	39,382,000	—	—
Office Space	3	1,218,000	12.00	14,616,000
Total	100	40,600,000	—	14,616,000

1. cf = cubic feet.

Source: Technical Memorandum – Dry Utilities, Utility Specialists, October 24, 2013.

Response to Comment F-1-49. The commenter states the TIA used an incorrect geographic scope in that the freeway analysis did not extend to the ports of Los Angeles (ports).

An additional section (Chapter 12, Section F) has been included in the TIA (FEIR Volume 2, Appendix L-1) that analyzes project impacts on freeways to the ports. The analysis found that only a small percentage of WLC truck traffic would be to and from the ports. See Table 86 in the revised TIA (FEIR Volume 2 Appendix L-1), repeated below as Table F-1.B. This is based on SCAG survey data.

Table F-1.B: Percentage of WLC Trucks to or from the Port

Year	% of Warehouse Space Used for Port-Related Cargo	% of Truck Trips Going to and from the Ports
2012	5.00%	2.07%
2022	9.30%	3.86%
2035	16.30%	6.76%

No impacts were found that were not already covered in the DEIR.

Response to Comment F-1-50. The commenter claims the DEIR undercounts long haul routes by setting arbitrarily short distance to regional locations. For example, the DEIR sets an arbitrarily short distance for long haul trips of the San Diego County line to the south, Banning Pass to the east, and the Cajon Pass to the northeast (Air Quality, Greenhouse Gas, and Health Risk Assessment Report, DEIR, Appendix D, Table 20). The DEIR also improperly undercounts local traffic by claiming that “the local vehicles travel between 9.6 and 15.4 miles per trips.” These estimates disregard the actual proximity of nearby cities serving the project. The distance to Riverside is 18 miles, Beaumont is 10 miles, Perris is 21 miles on the freeway, and San Bernardino is 24 miles on the freeway. The DEIR also masks full emissions projections by reducing the overall number of trips and truck trips for the facility.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The truck trip percentages shown in Table 20 in Appendix D of the DEIR, copied below, are from a SCAG survey of truck trips (see *Draft Regional Transportation Plan 2012-2035, Goods Movement*). In the right-most column of the table the DEIR uses this distribution and an estimated trip length to compute an illustrative weighted average trip length of 36 miles (see box in blue below). As was described in both the text and the table, this was not used in the analysis. Instead, a default figure of 50 miles was used (see red box below) in the DEIR.

Table 20: Heavy Duty Truck Long-Haul Trip Lengths

Type of Trip	Direction	Determination of Trip Length within the South Coast Air Basin	Truck Trips (%)		Trip Length (miles)
			SCAG Region	RC	
Internal	SCAG region	From the 2012 RTP, take daily truck vehicle miles traveled throughout SCAG counties from Table A12 of the Highways and Arterials chapter (30,201,000) and divide by the internal truck trips for all counties in Table 5 of the Goods Movement Chapter (1,011,993). This is a method identified by the SCAQMD in its CEQA comment letter for the Bandini Industrial Center (South Coast Air Quality Management District 2012d).	87.3	87.9	30
External	North	Project to Lebec, California (northern border of South Coast Air Basin) along I-210 and I-5	2.7	4.0	140
	Northeast Southeast	Distance from project to Cajon Pass along CA-60, I-215, and I-15	1.5	2.2	47
	East	Distance from project to Banning Pass along CA-60 and I-10	0.8	1.1	23
	South	Distance from project to San Diego County line along CA-60, I-215, and I-15	2.0	3.0	50
Port-related/intermodal	Ports	Distance from project to Ports of Los Angeles/Long Beach along CA-60 and Highway 91	5.7	1.8	79
Weighted average trip length based on values above for SCAG Region					36
Weighted average trip length based on values above for Riverside County (RC)					36
Trip length used in regional analysis for long-haul trips					50
Notes: SCAG = Southern California Association of Governments; RC = Riverside County. 2012 RTP = SCAG's 2012 Regional Transportation Plan. Source of truck trip percentage from project specific traffic study, the table "Daily Truck Trips by Major Category" and the figure "Major Truck Flows in the SCAG Region, 2010" (Parsons Brinckerhoff 2012). Source of trip length: Michael Brandman Associates using methodology described in determination of trip length column.					

The 50-mile figure for average truck distance is a default value suggested by the South Coast Air Quality Management District (SCAQMD) for use when modeling data is not available. The traffic analysis did not use this figure but instead used the RivTAM model to determine the distribution of origins and destinations for project-related trips. This is in accordance with City guidance and with best industry practice. The air quality analysis originally used the 50 mile figure but the analysis has since been revised using the trip distribution pattern from the RivTAM model since it more realistic and better reflects the anticipated change in travel patterns over time.

The figures cited in the comment for trip distances for local trips came from California Emissions Estimator Model (CalEEMod) 2011, an emissions forecasting model. These were originally used in the air quality analysis but the analysis has since been revised using the trip distribution pattern from the RivTAM model since it more realistic and better reflects the anticipated change in travel patterns over time.

Response to Comment F-1-51. The commenter questions how much greenhouse gas emissions would be associated with the water used during construction. This analysis has been incorporated into the revised analysis. The greenhouse gas emissions associated with water used during grading is 6,703 MTCO_{2e} (refer to FEIR Volume 2 Section 4.7).

The greenhouse gas emissions from operational water use were estimated in the DEIR (Table 4.7.F and 4.7.I) are approximately 2,320 MTCO_{2e} per year at buildout (unmitigated), which is less than 1 percent of the total unmitigated emissions. The refined amount in the FEIR is approximately 2,000 MTCO_{2e} (refer to FEIR Volume 2 Section 4.7).

Response to Comment F-1-52. The commenter states that the EIR does not estimate emissions associated with manufacturing of building materials and operational goods. As stated on page 215 of Appendix D of the DEIR, lifecycle emissions were not estimated in the DEIR or the revised analysis, pursuant to (California Air Pollution Control Officers Association (CAPCOA) (see pages 29-30 of CAPCOA's document, Quantifying Greenhouse Gas Mitigation Measures, <http://capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>) and State Office of Planning and Research (OPR) guidance as well as CEQA Guidelines Sections 15144 and 15145 regarding upstream/lifecycle emissions.

Response to Comment F-1-53. The commenter indicated that “these numbers” must be integrated into the greenhouse gas analysis. It is assumed that “these numbers” refer to the emissions from water transport (Response to Comment F-1-51) and lifecycle emissions (Response to Comment F-1-52). As stated in those responses to comments, emissions from water use are included. Lifecycle emissions are not included.

Response to Comment F-1-54, F-1-55, F-1-56, F-1-57, F-1-58, F-1-59, F-1-60. The commenter requests that black carbon emissions be estimated in the analysis. Estimates of black carbon have been included in the revised analysis (FEIR Volume 2 Section 4.7 and Appendix D), even though the DEIR (Appendix D, pages 79-80) discusses how methods for estimating black carbon are still in the initial stages of development. The International Panel for Climate Change, the U.S. Environmental Protection Agency (EPA), the Air Resources Board (ARB), and the SCAQMD have not identified a global warming potential for black carbon. Nonetheless, the global warming potential as suggested by the commenter is used in this analysis (760).

The commenter identified global warming potential value for a 20 year interval (2,100) is not used in this analysis to be consistent with the global warming potentials for the other greenhouse gases, which are those for a 100-year interval.

The commenter discusses the health effects of black carbon. Black carbon is a component of PM₁₀ and PM_{2.5}; the health effects of PM₁₀ and PM_{2.5} were identified and discussed in the DEIR (i.e., pages 4.3-6 and 4.3-9), in the FEIR Volume 2 Section 4.7, and in Master Response-2 – Health Effects of Diesel Particulate Matter in Response to Comment Letter C-3.

Estimation of black carbon has also been added to the revised analysis (FEIR Volume 2 Section 4.7). The findings of the analysis indicate that black carbon during construction constitutes approximately 14 and 2 percent of the total unmitigated and mitigated construction emissions, respectively. Black carbon during operation constitutes approximately 1.3 and 0.2 percent of the total unmitigated and mitigated operational greenhouse gas emissions, respectively.

Response to Comment F-1-61, F-1-62. The commenter indicates that black carbon emission reduction strategies be considered independently from particulates matter (PM) reductions. The EIR's

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

mitigation measures are quantified and are accounted to black carbon emissions where appropriate, as discussed in Response to Comment F-1-63.

Response to Comment F-1-63. The commenter discusses mitigation strategies that would reduce diesel particulate matter but do not reduce black carbon emissions. Black carbon emissions were estimated in the FEIR Volume 2 Section 4.7. Construction MM 4.3.6.2A would reduce black carbon emissions by 87 percent during construction by requiring Tier 4 construction equipment (1.78 tons unmitigated to 0.23 ton mitigated, averaged over 30 years). The total construction emissions would be reduced by 17 percent (264,900 MTCO_{2e} total unmitigated and 219,500 MTCO_{2e} total mitigated).

MM 4.3.6.3A, requires 2010 model year or later trucks would reduce black carbon mobile source emissions after completion of Phase 1 by 1.4 percent (0.663 ton unmitigated and 0.654 ton mitigated). Reductions at buildout are not as large because the emission factors for 2030 and 2035 assume newer heavy-duty trucks on the road. Additionally, as a project design feature, the project would require non-diesel onsite forklifts and MM 4.3.6.3B requires non-diesel emergency generators and yard trucks which would also reduce black carbon emissions. At buildout, unmitigated total black carbon emissions are 2.97 tons and after mitigation are 0.91 tons (69 percent reduction) – see Table 4.7.G in revised analysis in FEIR Volume 2 Section 4.7.

Response to Comment F-1-64. The commenter identifies a variety of methods that could be used to estimate black carbon. While the global warming potential identified by the commenter (760) is used to convert tons of black carbon to metric tons of carbon dioxide equivalents (MTCO_{2e}), the revised analysis used other quantification methods identified by the U.S. EPA in its *Report to Congress on Black Carbon*, dated March 2012.²⁴ The time interval for the global warming potential is 100 years, to be consistent with the global warming potential time frames for the other greenhouse gases. The commenter suggested estimating black carbon emissions based on the mass of diesel fuel consumed. However, since the air quality analysis estimates PM_{2.5} emissions from diesel fueled vehicles, the black carbon emissions are estimated based on a percentage of the PM_{2.5} emissions, consistent with the Environmental Protection Agency's (EPA) document. Additionally, activity-based estimates of emissions, used in this analysis, provide better estimates of emissions than energy-based estimates. Activity-based estimates can better take into account factors such as vehicle type, vehicle speed, and emissions controls, all of which impact the emissions estimate. Energy-based emissions estimates are generally used when insufficient information is available to conduct an activity-based emissions estimate. Conducting an energy-based emissions estimate here would provide no value since it would generally be less accurate than the activity-based emissions estimate and would not be comparable to any other information presented in the air quality analysis.

Response to Comment F-1-65. The commenter indicates that feasible mitigation measures should be incorporated to reduce greenhouse gas emissions. The revised analysis has added mitigation measure 4.16.4.6.1C, which requires onsite solar, exceeding Title 24 requirements by at least 10 percent, and Leadership in Energy and Environmental Design (LEED) certification (refer to FEIR Volume 2 Section 4.7). The other mitigation measures in the air quality analyses have been refined as well.

Response to Comment F-1-66. The commenter indicates that there are potential mitigation measures in the California Air Pollution Control Officers Association (CAPCOA) white paper and the Attorney General's list.

²⁴ U.S. Environmental Protection Agency. 2012. Report to Congress on Black Carbon, March 2012. Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010. EPA-450/R-12-001. Website: <http://www.epa.gov/blackcarbon/2012report/fullreport.pdf>.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

As stated in the DEIR (App. D, page 219), these sources were reviewed during mitigation measure identification: “Several different sources were explored for feasible mitigation measures that may apply to the project, including the following:

- Office of the California Attorney General (Attorney General 2010).
- California Air Pollution Control Officers Association, CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (California Air Pollution Control Officers Association 2008).
- The Governor’s Office of Planning and Research Technical Advisory (Governor’s Office of Planning and Research 2008).
- California Air Pollution Control Officers Association (2010), Quantifying Greenhouse Gas Measures.
- Notice of Preparation comment letter for the project from the Sierra Club, March 26, 2012.”

Nevertheless, the Attorney General suggested measures are explored for feasibility in the table below.

Attorney General Suggested Mitigation Measure	Response
Incorporate green building practices and design elements.	Already Included. MM 4.16.4.6.1A, MM 4.16.4.6.1B, MM 4.16.4.6.1C require additional energy efficiency, lighting, and green building features that would exceed current requirements.
Meet recognized green building and energy efficiency benchmarks.	
Install energy efficient lighting (e.g., light emitting diodes (LEDs)), heating and cooling systems, appliances, equipment, and control systems.	
Use passive solar design, e.g., orient buildings and incorporate landscaping to maximize passive solar heating during cool seasons, minimize solar heat gain during hot seasons, and enhance natural ventilation. Design buildings to take advantage of sunlight.	Included. Page 4.16-39 of the DEIR states, “The project will encourage passive heating and cooling opportunities into the design or modification of the high-cubed warehouse developments and ancillary land uses.” Page 3-59 of the DEIR project description also states, “The Specific Plan will incorporate the use of passive heating and cooling into the design or modification of the high-cube warehouse development (e.g., white building colors and roof insulation to minimize heat gain, and landscaping to help shade buildings). These requirements are included in MM 4.16.4.6.1A and MM 4.16.4.6.1B.
Install light colored “cool” roofs and cool pavements.	Already Included. MM 4.16.4.6.1A requires cool roofs and cool pavements.
Install efficient lighting, (including LEDs) for traffic, street and other outdoor lighting.	Already Included. MM 4.16.4.6.1B includes high efficiency outdoor lighting.
Reduce unnecessary outdoor lighting.	Included. Section 5 of the Specific Plan includes the following guidelines regarding lighting: 5.4.2.2 All exterior on-site lighting must be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent lots. 5.4.2.3 Lighting fixtures are to be of clean, contemporary design.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Attorney General Suggested Mitigation Measure	Response
	<p>5.4.2.4 Lighting must meet all requirements of the City of Moreno Valley.</p> <p>5.4.2.5 Tilted wall fixtures (i.e., light fixtures which are not 90 degrees from vertical) are not permitted. Lights mounted to the roof parapet are not permitted. Wall-mounted light fixtures used to illuminate vehicular parking lots are not permitted.</p> <p>5.4.2.6 Wall-mounted utility lights that cause off-site glare are not permitted. "Shoebox" lights are preferred.</p> <p>MM 4.16.4.6.1B has been edited to require no more outdoor lighting than is necessary to ensure safety.</p>
Use automatic covers, efficient pumps and motors, and solar heating for pools and spas.	Not applicable. The project would not have pools or spas.
Provide education on energy efficiency to residents, customers and/or tenants.	Incorporated. MM 4.3.6.4A incorporates this suggested mitigation measure.
Meet "reach" goals for building energy efficiency and renewable energy use.	Incorporated. The project would require onsite solar through MM 4.16.4.6.1C. Other forms of alternative energy are not necessary for the project because the project is incorporating solar.
Install solar, wind, and geothermal power systems and solar hot water heaters.	
Install solar panels on unused roof and ground space and over carports and parking areas.	Partially Incorporated. The project is now proposing to install sufficient roof-mounted PV (see MM 4.16.4.6.1C) . As a result, requiring the installation of PV on parking lots is unnecessary. In addition, the project would use cool pavements in all areas feasible (see MM 4.16.4.6.1A).
Where solar systems cannot feasibly be incorporated into the project at the outset, build "solar ready" structures.	Not Incorporated. The project would install solar (MM 4.16.4.6.1C); therefore, this mitigation measure is unnecessary.
Incorporate wind and solar energy systems into agricultural projects where appropriate.	Incorporated. The proposed project is not an agricultural project. In addition, the project is incorporating solar (MM 4.16.4.6.1C). Wind power is not feasible or necessary.
Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.	Not Incorporated. Although the project is incorporating onsite solar.
Use onsite generated biogas, including methane, in appropriate applications.	Not Incorporated. The project would not produce the components necessary for onsite generated biogas (such as manure). In addition, onsite solar is required by mitigation.
Use combined heat and power (CHP) in appropriate applications.	Not Incorporated. The project would install onsite solar to generate electricity; this suggested mitigation measure is therefore not required. Combined heat and power (CHP) systems are used in campus facilities where fuel is used to produce steam. CHP captures the waste heat for reuse. The WLC will not be using fuel to produce steam and to operate as a campus facility would mean several buildings are linked with piping to a common heat source. Linking buildings means piping is crossing public streets and Public Utilities Commission (PUC) Rule 218 prohibits such crossings of public streets.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Attorney General Suggested Mitigation Measure	Response
Incorporate water-reducing features into building and landscape design.	Already Included. MM 4.16.1.6.1A and 4.16.1.6.1B require outdoor and indoor water efficiency. In addition, the WLCSP requires use of native and drought tolerant plants, minimizing the use of irrigation and encourages non-irrigated landscape.
Create water-efficient landscapes.	
Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and use water-efficient irrigation methods.	
Make effective use of graywater. Graywater is untreated household wastewater from bathtubs, showers, bathroom washbasins, and water from clothes washing machines. Graywater to be used for landscape irrigation.)	Not Incorporated. The project would not generate sufficient quantities of graywater to support this system. Graywater is more feasible to residential projects. In addition, Eastern Municipal Water District (EMWD) and the County Health Department prohibit graywater in industrial and commercial uses.
Implement low-impact development practices that maintain the existing hydrology of the site to manage storm water and protect the environment.	Already Included. Project design features would manage storm water effectively, which are enforced by MM 4.9.6.2A, MM 4.9.6.2B, MM 4.9.6.3A, MM 4.9.6.3B, and MM 4.9.6.3C.
Devise a comprehensive water conservation strategy appropriate for the project and location.	Already Included. The WLCSP includes a section on Water Conservation Measures. MM 4.16.1.6.1A and MM 4.16.1.6.1B also contain water conservation measures.
Design buildings to be water-efficient. Install water-efficient fixtures and appliances.	Already Included. MM 4.16.1.6.1B requires this.
Offset water demand from new projects so that there is no net increase in water use.	Not Incorporated. The project is incorporating multiple water conservation features and mitigation measures to reduce water use. It is not feasible to have no net increase in water use as the current site is dry land farmed with little to no water use.
Provide education about water conservation and available programs and incentives.	Already Included. MM 4.16.1.6.1B requires that information regarding indoor water use be provided.
Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).	Already Included. The California Green Buildings Standards Code requires the following: Recycle and/or salvage for reuse a minimum 50 percent of the nonhazardous construction and demolition waste (5.408.1) 100 percent of trees, stumps, rocks and associated vegetation and soils resulting from land clearing shall be reused or recycled (5.408.3).
Integrate reuse and recycling into residential industrial, institutional and commercial projects.	Already Included. MM 4.7.6.1A requires additional waste reduction measures.
Provide easy and convenient recycling opportunities for residents, the public, and tenant businesses.	
Provide education and publicity about reducing waste and available recycling services.	
Ensure consistency with “smart growth” principles – mixed-use, infill, and higher density projects that provide alternatives to individual vehicle travel and promote the efficient delivery of services and goods.	Already Included. The project consists of 40.6 million square feet of warehouse development, allowing for the potential consolidation of smaller warehouses distributed throughout Southern California, thereby promoting the efficient delivery of goods. Typical smart growth benchmarks are for residential, retail, and commercial/office land use placement to reduce vehicle miles traveled. In the case of warehouse and distribution centers, the addition of residential is not always desired by the local jurisdictions.
Meet recognized “smart growth” benchmarks.	

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Attorney General Suggested Mitigation Measure	Response
Educate the public about the many benefits of well-designed, higher density development.	Not applicable. This measure was meant for residential development or mixed use development where people could be in closer proximity to where they work or shop or for residential development where it may be feasible to cluster homes and leave more open space onsite. This measure is not appropriate for a high-cube warehouse development. The City has Greenhouse Gas Emissions policies in its General Plan and its Climate Action Strategy. The DEIR discusses in Section 4.7 Greenhouse Gas Emission Subsection 4.7.2.6 City of Moreno Valley Climate Action Strategy contains policies concerning the reduction of greenhouse gas emissions in the City. The one that relates to land development” is R2-T1 Land Use Based Trips and VMT Reduction Policies. Encourage the development of Transit Priority Projects along High Quality Transit Corridors identified in the SCAG Sustainable Communities Plan, to allow a reduction in vehicle miles traveled. It is beyond the scope of this project to provide this information to the public.
Incorporate public transit into the project’s design.	Included. The project would include transit-supportive features (see Chapter 12, Section D of the revised TIA in FEIR Volume 2 Appendix L-1) and it is expected that transit service will be provided once the project reaches a transit-supportable level of operations.
Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.	Already Included. The project would incorporate open space and would plant onsite trees (see WLCSP Section 4.2.3.1 and 5.4).
Develop “brownfields” and other underused or defunct properties near existing public transportation and jobs.	Not Applicable. The project site is not a “brownfield.”
Include pedestrian and bicycle facilities within projects and ensure that existing non-motorized routes are maintained and enhanced.	Already Included. The project would provide bicycle lanes, bicycle parking, pedestrian facilities (MM 4.3.6.4A), and a multi-use trail (project design feature).
Meet an identified transportation-related benchmark. A logical benchmark might be related to vehicles miles traveled (VMT), e.g., average VMT per capita, per household, or per employee. As the California Energy Commission has noted, VMT by California residents increased “a rate of more than 3 percent a year between 1975 and 2004, markedly faster than the population growth rate over the same period, which was less than 2 percent. This increase in VMT correlates to an increase in petroleum use and GHG production and has led to the transportation sector being responsible for 41 percent of the state’s GHG emissions in 2004.”	Not Applicable. To our knowledge, there is no identified transportation-related benchmark such as a VMT per capita for the project area. However, the project would be providing employment opportunities in a housing rich area, thereby providing the potential to reduce VMT from home/work trips. Please refer to the revised TIA in FEIR Volume 2 Appendix L-1).

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Attorney General Suggested Mitigation Measure	Response
Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation.	Partially Included. Employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter. In addition, MM 4.3.6.4A requires preferential parking spaces for fuel-efficient vehicles and carpools.
Build or fund a major transit stop within or near the development.	Included. Public transit would be incorporated into the design of the WLC. See Section 3.4.6.2 of the FEIR Volume 2.
Provide public transit incentives such as free or low-cost monthly transit passes to employees, or free ride areas to residents and customers.	Already Included. MM 4.3.6.4A requires that tenants participate in Riverside County's rideshare program. According to the information contained at: www.rctc.org/commuters/commuter-assistance/employer-programs , the program provides incentives to employees to try ridesharing and a commuter club that rewards those who already share the ride. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter.
Promote "least polluting" ways to connect people and goods to their destinations.	Already Included. The project would encourage alternative fuels through the following: MM 4.3.6.3C, which provides an alternative fueling station onsite; electric vehicle charging stations onsite (MM 4.3.6.4A); and the project design, which allows companies to maintain efficiency in distributing goods.
Incorporate bicycle lanes, routes and facilities into street systems, new subdivisions, and large developments.	Already Included. MM 4.3.6.4A requires bicycle lanes.
Require amenities for non-motorized transportation, such as secure and convenient bicycle parking.	Already Included. MM 4.3.6.4A includes bicycle parking, lockers, and showering facilities.
Ensure that the project enhances, and does not disrupt or create barriers to, non-motorized transportation.	Already Included. Section 3.4.6.2 of the DEIR states that in addition to public sidewalks provided adjacent to project streets, Section 3.3.1 of the WLCSP, Pedestrian Circulation and Trails, requires the construction of a trail connection between the Redlands Boulevard / Cottonwood Avenue intersection and the existing Cactus Avenue trail connection to the Lake Perris Recreational Area. This new trail will continue across the Open Space area and connect to the San Jacinto Wildlife Area at the former Davis Road alignment (see Figure 3.12). Engineering details of the new trail will be provided with project-specific development applications in this portion of the project area.
Connect parks and open space through shared pedestrian/bike paths and trails to encourage walking and bicycling.	
Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.	
Work with the school districts to improve pedestrian and bike access to schools and to restore or expand school bus service using lower-emitting vehicles.	Not Applicable. The project does not involve schools or school districts.
Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.	Partially Included. MM 4.3.6.4A allows for some of these activities which may be appropriate for some office workers, but warehouse workers must be onsite for specific shifts, even if they are during off-peak times. Future development will also comply with the City's established greenhouse gas policies.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Attorney General Suggested Mitigation Measure	Response
Provide information on alternative transportation options for consumers, residents, tenants and employees to reduce transportation-related emissions.	Incorporated. This is incorporated into MM 4.3.6.4A.
Educate consumers, residents, tenants and the public about options for reducing motor vehicle-related greenhouse gas emissions. Include information on trip reduction; trip linking; vehicle performance and efficiency (e.g., keeping tires inflated); and low or zero-emission vehicles.	Partially Included. MM 4.3.6.4A requires that information be provided to tenants regarding onsite alternative transportation information. In addition, the Riverside County's rideshare program could provide some of this information to the tenants.
Purchase, or create incentives for purchasing, low or zero-emission vehicles.	Not Included. It is beyond the scope of the project to provide incentives for low emission vehicles. However, MM 4.3.6.4A requires electric charging stations and MM 4.3.6.3C requires alternative fueling.
Create a ride-sharing program. Promote existing ride sharing programs e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.	Already Included. The project is not going to create a ride-sharing program but is to be part of Riverside County's program (MM 4.3.6.4A). In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter.
Create or accommodate car sharing programs, e.g., provide parking spaces for car share vehicles at convenient locations accessible by public transportation.	Already Included. MM 4.3.6.4A and the California Green Building Standards Code requires priority parking for low-emitting, fuel-efficient, and carpool/van pool vehicles. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter.
Provide a vanpool for employees.	Already Included. MM 4.3.6.4A requires that tenants participate in the Riverside County rideshare program, which coordinates vanpools. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter.
Create local "light vehicle" networks, such as neighborhood electric vehicle systems.	Partially Included. The project would provide infrastructure for electric vehicles (MM 4.3.6.4A). There is not expected to be any relationship between tenants at the WLC. As result, there is no need for individuals to travel between buildings on a routine basis. As such, there is no need for a neighborhood electric vehicle system.
Enforce and follow limits idling time for commercial vehicles, including delivery and construction vehicles.	Already Included. MM 4.3.6.3B prohibits idling for longer than 3 minutes and state law prohibits idling more than five minutes.
Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.	Already Included. MM 4.3.6.4A would provide this infrastructure.
Require best management practices in agriculture and animal operations to reduce emissions, conserve energy and water, and utilize alternative energy sources, including biogas, wind and solar.	Not Applicable. The project would not involve animals. However, the project would be providing solar (MM 4.16.4.6.1C).
Preserve forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, groundwater recharge areas and other open space that provide carbon sequestration benefits.	Partially Included. The project would convert some agricultural land to urban uses. However, the project will also provide open space and storm water basins that will retain runoff and allow for infiltration.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Attorney General Suggested Mitigation Measure	Response
Protect existing trees and encourage the planting of new trees. Adopt a tree protection and replacement ordinance.	Partially Included. The project would plant new trees. However, it is not feasible for the project to adopt a tree protection ordinance.

The Attorney General's list of potential mitigation measures also discusses carbon offsets, as follows:

"Off-Site Mitigation (offsets). If, after analyzing and requiring all reasonable and feasible onsite mitigation measures for avoiding or reducing greenhouse gas-related impacts, the lead agency determines that additional mitigation is required, the agency may consider additional off-site mitigation. The project proponent could, for example, fund off-site mitigation projects that will reduce carbon emissions, conduct an audit of its other existing operations and agree to retrofit, or purchase verifiable carbon "credits" from another entity that will undertake mitigation.

The topic of off-site mitigation can be complicated. A full discussion is outside the scope of this summary document. Issues that the lead agency should consider include:

- The location of the off-site mitigation. (If the off-site mitigation is far from the project, any additional, non-climate related co-benefits of the mitigation may be lost to the local community.)
- Whether the emissions reductions from off-site mitigation can be quantified and verified. (The California Registry has developed a number of protocols for calculating, reporting and verifying greenhouse gas emissions. Currently, industry-specific protocols are available for the cement sector, power/utility sector, forest sector and local government operations. For more information, visit the California Registry's website at <http://www.climateregistry.org/>.)
- Whether the mitigation ratio should be greater than 1:1 to reflect any uncertainty about the effectiveness of the off-site mitigation.

Offsite mitigation measures that could be funded through mitigation fees include, but are not limited to, the following:

- Energy efficiency audits of existing buildings.
- Energy efficiency upgrades to existing buildings not otherwise required by law, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization (perhaps targeted to specific communities, such as low-income or senior residents).
- Programs to encourage the purchase and use of energy efficient vehicles, appliances, equipment and lighting.
- Programs that create incentives to replace or retire polluting vehicles and engines.
- Programs to expand the use of renewable energy and energy storage." (Attorney General).

Please refer to Master Response 1 (located in Response to Comment C-3), which explains the differences in the approach for greenhouse gas emissions. The project's significance finding is based on emissions that are not capped by AB 32. The emissions that are capped (such as emissions from fuel combustion and electricity generation) are not compared with the threshold. The project's uncapped emissions are less than the South Coast Air Quality Management District's significance

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

threshold; therefore, emissions are not cumulatively considerable and therefore require no further mitigation, including the purchase of carbon offsets.

The proposed project is implementing mitigation measures to reduce the projects impacts related to greenhouse gas emissions from the generation of waste. In addition, although it is not required to reduce emission to below significance. New MM 4.16.4.6.1C, would also reduce greenhouse gas emission which is as follows:

4.16.4.6.1C Prior to the issuance of a building permit, new development shall demonstrate that each building has implemented the following:

- 1) Install solar panels with a capacity equal to the peak daily demand for the ancillary office uses in each warehouse building;
- 2) Increase efficiency for buildings by implementing either 10 percent over the 2008 Title 24's energy saving requirements or the Title 24 requirements in place at the time the building permit is approved, whichever is more strict; and
- 3) Require the equivalent of "Leadership in Energy and Environmental Design Certified" for the buildings constructed at the World Logistics Center based on Leadership in Energy and Environmental Design Certified standards in effect at the time of project approval.

This measure shall be implemented to the satisfaction of the Building and Safety and Planning Divisions.

In addition, currently, the following are not exchanges currently in operation:

- The South Coast Air Quality Management District's SoCal Climate Solutions Exchange (Rule 2701) is not in operation.
- The Climate Action Reserve is not an exchange and focuses on developing standardized GHG reduction project protocols, serving as a registry for GHG reduction projects, and tracking GHG offsets through a publicly accessible database.
- In 2011, many states and jurisdictions dropped out of the Western Climate Initiative; California remained. The Initiative restructured and now provides administrative and technical services to support the implementation of state and provincial GHG emissions trading programs.²⁵ It is not an exchange.
- The Chicago Climate Exchange (CCX) traded GHG emission allowances from 2003 but trading ended in 2010 due to a flawed system.²⁶ In December 2011, a group of investors sued the CCX alleging fraud and violations of Illinois' Consumer Fraud and Deceptive Business Practices Act.²⁷

California's Cap-and-Trade Regulation (Regulation) took effect on January 1, 2012, with amendments to the Regulation effective September 1, 2012. The enforceable compliance obligation began on January 1, 2013. The project is not defined as a covered entity because it does not have one or more of the processes or operations listed in the Regulation and because it does not have stationary sources that emit more than 25,000 MTCO_{2e} per year. The current price per allowance (or MTCO_{2e})

²⁵ Western Climate Initiative. 2012. Website: <http://www.westernclimateinitiative.org/history>

²⁶ New York Times. 2011. Chicago Climate Exchange Closes Nation's First Cap-and-Trade System but Keeps Eye to the Future. Website: www.nytimes.com/cwire/2011/01/03/03climatewire-chicago-climate-exchange-closes-but-keeps-eye-78598.html?pagewanted=all

²⁷ Siros, Steven. 2012. CCX Sued for Fraud. Website: www.lexisnexis.com/community/environmental-climatechangelaw/blogs/environmentallawandclimatechangeblog/archive/2012/01/06/ccx-sued-fraud-chicago-climate-futures-exchange.aspx

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

is approximately 11 dollars.²⁸ A voluntarily associated entity (VAE) is defined in the Regulation as any entity which does not meet the requirements of a covered entity or an opt-in covered entity and that intends to purchase, hold, sell, or voluntarily retire compliance instruments. A voluntarily associated entity is not obligated to surrender any allowances or offset credits to ARB in order to comply with the Cap-and-Trade Program. A voluntarily associated entity can be an organization or an individual. Therefore, the developer could be a VAE.

The following is a feasibility analysis of the mitigation measures in CAPCOA's 2010 report, "Quantifying Greenhouse Gas Mitigation Measures."

CAPCOA Mitigation Measure		Response
BE-1	Buildings exceed Title 24 building envelop energy efficiency standards.	Included. MM 4.16.4.6.1A requires that the project exceed Title 24 requirements.
BE-2	Install programmable thermostat timers for residential dwellings.	Not applicable. The project does not contain residential dwellings.
BE-3	Obtain third-party HVAC commissioning and verification of energy savings.	Already Included. This would be fulfilled as part of meeting LEED requirements.
BE-4	Install energy efficient appliances.	Already Included. MM 4.16.4.6.1A requires energy-efficient appliances.
BE-5	Install energy efficient natural gas boilers.	Included. However, as a separate mitigation measure (MM 4.16.1.6.1B) to accomplish the same goals, the project will be using flash water heaters or solar heating and is not expected to use natural gas boilers.
LE-1	Install higher efficacy public street and area lighting.	Included. WLCSP Section 5.5.3 requires that driveways and parking area lighting be metal halide or Light-Emitting Diode (LED). Metal halide lights can be 3 to 5 times more efficient than incandescent lights. WLCSP Section 4.3.2 requires that street lighting be high pressure sodium or LED, which both have high efficacy.
LE-2	Limit outdoor lighting requirements.	Included. Outdoor lighting is required for safety reasons; however, MM 4.16.4.6.1B has been edited to require no more outdoor lighting than is necessary to ensure safety.
LE-3	Replace traffic lights with LED traffic lights.	Included. MM 4.16.4.6.1B has been amended to include installing LED traffic signals that meet City standards.
AE-1	Establish onsite renewable or carbon-neutral energy systems.	Included. MM 4.16.4.6.1C requires onsite solar.
AE-2	Establish onsite renewable energy systems – solar power.	Included. MM 4.16.4.6.1C requires onsite solar.
AE-3	Establish onsite renewable energy systems – wind power.	Not Included. This measure is not necessary because the project is incorporating onsite solar.
AE-4	Utilize a combined heat and power system.	Not Included. The project is installing onsite solar; therefore, this is not necessary. Also refer to Response to Comment F-3-21.
AE-5	Establish methane recovery in landfills.	Not Applicable. The project is not a landfill project.
AE-6	Establish methane recovery in wastewater treatment plants.	Not Applicable. The project is not a wastewater treatment plant.

²⁸ California Air Resources Board Quarterly Auction 5, November 2013, Summary Results Report. <http://www.arb.ca.gov/cc/capandtrade/auction/november-2013/results.pdf>

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

CAPCOA Mitigation Measure		Response
LUT-1	Increase density. The reductions for this mitigation measure are related to jobs per acre greater than 20.	Not Included. It is not in the project design to provide a greater density. The Fiscal and Economic Impact Study contained in Appendix O of the DEIR indicates that the number of jobs from the project would be approximately 20,300 at full development (page 22). That value divided by the acreage allocated for the WLCSP (2,610 acres) is approximately 7.8 jobs/acre. In order to receive an emissions reductions for this measure, the density needs to be greater than 20; therefore, no reduction is applied.
LUT-2	Increase location efficiency. This measure is not intended as a separate strategy but rather a documentation of empirical data to justify the “cap” for all land use/location strategies. The location of the Project relative to the type of urban landscape such as being located in an urban area, infill, or suburban center influences the amount of VMT compared to the statewide average. This is referred to as the location of efficiency since there are synergistic benefits to these urban landscapes. To receive the maximum reduction for this location efficiency, the project will be located in an urban area/ downtown central business district	Not Included. The project is not located in an urban area/downtown central business district.
LUT-3	Increase diversity of urban and suburban developments (mixed use).	Not Applicable. The project’s land uses are not suitable for mixed use.
LUT-4	Increase destination accessibility. The project will be located in an area with high accessibility to destinations. Destination accessibility is measured in terms of the number of jobs or other attractions reachable within a given travel time, which tends to be highest at central locations and lowest at peripheral ones. The location of the project also increases the potential for pedestrians to walk and bike to these destinations and therefore reduces the VMT.	Not Applied. No reductions were applied for this measure, even though the project would have pedestrian and bicycle features.
LUT-5	Increase transit accessibility.	Incorporated. Public transit would be incorporated into the design of the WLC. See Section 3.4.6.2 of the FEIR Volume 2.
LUT-6	Integrate affordable and below market rate housing. (Appropriate for residential and mixed-use projects.)	Not applicable. The project is not a residential project.
LUT-7	Orient project toward non-auto corridor. A project that is designed around an existing or planned transit, bicycle, or pedestrian corridor encourages alternative mode use. For this measure, the project is oriented towards a planned or existing transit, bicycle, or pedestrian corridor. Setback distance is minimized.	Partially Included. The project would incorporate transit, bicycle, and pedestrian uses. See above responses.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

CAPCOA Mitigation Measure		Response
LUT-8	Locate project near bike path/bike lane.	Included. MM 4.3.6.4A requires that the project incorporate bike lanes.
LUT-9	Improve design of development. The project will include improved design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments.	Already Included. Project design features (i.e., the onsite trail) and MM 4.3.6.4A requires pedestrian features. See responses to the attorney general suggested measures, above.
SDT-1	Provide pedestrian network improvements.	Already Included. MM 4.3.6.4A requires pedestrian access and features.
SDT-2	Provide traffic calming measures. Providing traffic calming measures encourages people to walk or bike instead of using a vehicle. This mode shift will result in a decrease in VMT. Project design will include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways will be designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others.	Included. The project includes the incorporation of sidewalks, median islands, roundabouts, and planter strips with street trees. Some measures such as count-down signal timers are mutually exclusive with measures such as roundabouts, where there will be no signalized control. Additionally, some measures such as tight corner radii are infeasible due to the need to serve trucks that require wide turning radii.
SDT-3	Implement a neighborhood electric vehicle network.	Not Included. There is not expected to be any relationship between tenants at the WLC. As result, there is no need to for individuals to travel between buildings on a routine basis. As such, there is no need for a neighborhood electric vehicle system.
SDT-4	Create urban non-motorized zones.	Partially Included. The project would have an onsite trail, which would not allow motorized vehicles.
SDT-5	Incorporate bike lane street design (onsite)	Already Included. MM 4.3.6.4A requires bike lanes.
SDT-6	Provide bike parking in non-residential projects.	Included. MM 4.3.6.4A requires bicycle parking.
SDT-7	Provide bike parking with multi-unit residential projects.	Not Applicable. The project does not contain residential uses.
SDT-8	Provide electric vehicle parking.	Included. MM 4.3.6.4A requires preferential parking for low-emitting vehicles and electric vehicle charging.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

CAPCOA Mitigation Measure		Response
SDT-9	Dedicate land for bike trails.	Included. MM 4.3.6.4A requires bicycle lanes on the streets. The trail connection (WLCSP Section 3.3.5) would be designed to accommodate pedestrian and bicycle use.
PDT-1	Limit parking supply.	Not Included. These measures are intended to reduce the number of single occupant trips that occur at the site. That goal will be achieved through other measures. MM 4.3.6.4A requires that the tenants participate in Riverside County's Rideshare Program. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter.
PDT-2	Unbundle parking costs from property cost.	
PDT-3	Implement market price public parking (on-street).	
PDT-4	Require residential area parking permits.	Not Included. The project does not consist of residential uses and project trucks would not park in the surrounding residential areas.
TRT-1 TRT-2	Implement commute trip reduction program.	Partially Included. MM 4.3.6.4A requires that the project participate in Riverside County's rideshare program.
TRT-3	Provide ride-sharing programs.	Included. MM 4.3.6.4A requires that the project participate in Riverside County's rideshare program.
TRT-4	Implement subsidized or discounted transit program. This project will provide subsidized/discounted daily or monthly public transit passes. The project may also provide free transfers between all shuttles and transit to participants. These passes can be partially or wholly subsidized by the employer, school, or development. Many entities use revenue from parking to offset the cost of such a project.	Partially Included. MM 4.3.6.4A requires that the project participate in Riverside County's rideshare program, which currently provides a \$2/day incentive for alternative transportation for the first three months. (www.ie511.org/commuter-incentives.aspx).
TRT-5	Provide end of trip facilities (showers, bike lockers, changing spaces).	Included. MM 4.3.6.4A requires these facilities.
TRT-6	Encourage telecommuting and alternative work schedules.	Included. MM 4.3.6.4A requires this measure. May be appropriate for some office workers, but warehouse workers must be onsite for specific shifts, even if they are during off-peak times.
TRT-7	Implement commute trip reduction marketing. The project will implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute trip reduction strategies. Implementing commute trip reduction strategies without a complementary marketing strategy will result in lower VMT reductions. Marketing strategies may include: - New employee orientation of trip reduction and alternative mode options - Event promotions - Publications	Included. This has been incorporated into MM 4.3.6.4A.
TRT-8	Implement preferential parking permit program.	Partially Included. The project would provide preferential parking according to MM 4.3.6.4A.
TRT-9	Implement car-sharing program.	Partially Included. The project would participate in

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

CAPCOA Mitigation Measure		Response
		Riverside County's rideshare program pursuant to MM 4.3.6.4A.
TRT-10	Implement a school pool program (applicable to residential and mixed-use projects).	Not Applicable. The project is not a residential or mixed use project.
TRT-11	Provide employer-sponsored vanpool-shuttle. This project will implement an employer-sponsored vanpool or shuttle. A vanpool will usually service employees' commute to work while a shuttle will service nearby transit stations and surrounding commercial centers. Employer-sponsored vanpool programs entail an employer purchasing or leasing vans for employee use, and often subsidizing the cost of at least program administration, if not more. The driver usually receives personal use of the van, often for a mileage fee. Scheduling is within the employer's purview, and rider charges are normally set on the basis of vehicle and operating cost.	Not Included. This measure is intended to reduce the number of single occupant trips that occur at the site. That goal will be achieved through other measures. MM 4.3.6.4A requires that the tenants participate in Riverside County's Rideshare Program. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter. Finally, transit-oriented design is being incorporated into the design in order for the Riverside Transit Agency (RTA) to provide service to the site and access to transit hubs (WLCSP Section 3.3.4).
TRT-12	Implement bike-sharing program. Establish a bike sharing program. Stations should be at regular intervals throughout the project site. The number of bike-share kiosks throughout the project area should vary depending on the density of the project and surrounding area. Paris' bike share program places a station every few blocks throughout the city (approximately 28 bike stations/square mile). Bike-station density should increase around commercial and transit hubs.	Not Included. This measure is intended to reduce the number of single occupant trips that occur at the site. That goal will be achieved through other measures. MM 4.3.6.4A requires that the tenants participate in Riverside County's Rideshare Program. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter. In addition, bicycle sharing at this location would not achieve the goals the sought by the commenter. Bike sharing is useful in mixed-use urban cores where individuals can take advantage of short distance trips. However, since the proposed project is not a mixed-use development, people would need to travel to the site by other means to take advantage of bike sharing, which defeats the purpose of bike sharing.
TRT-13	Implement school bus program.	Not applicable. The project does not involve residential or school uses.
TRT-14	Price workplace parking.	Not Included. These measures are intended to reduce the number of single occupant trips that occur at the site. That goal will be achieved through other measures. MM 4.3.6.4A requires that the tenants participate in Riverside County's Rideshare Program. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter.
TRT-15	Implement employee parking "cash-out."	
TST-1	Provide a bus rapid transit system.	Not Included. This measure is typically only productive in an urban setting and not for this type of project.
TST-2	Implement transit access improvements.	Already Included. As described in the WLCSP Section 3.3.4, the project already incorporates transit-oriented design.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

CAPCOA Mitigation Measure		Response
TST-3	Expand transit network.	Already Included. As described in the WLCSP Section 3.3.4, the project already incorporates transit-oriented design that will allow the Riverside Transit Authority to expand their transit service.
TST-4	Increase transit service frequency/speed.	Partially Included. The proposed project would be served by the RTA. As an independent agency, the RTA would determine in what manner to best serve the project site in terms of service frequency/speed.
TST-5	Provide bike parking near transit. Provide short-term and long-term bicycle parking near rail stations, transit stops, and freeway access points. The benefits of Station Bike Parking have no quantified impacts as a standalone strategy and should be grouped with Transit Network Expansion (TST-3) and Increase Transit Service Frequency and Speed (TST-4) to encourage multimodal use in the area and provide ease of access to nearby transit for bicyclists.	Already Included. Bicycle parking would be provided throughout the project site as described in WLCSP Sections 5.2.7.3 and 5.2.7.4.
TST-6	Provide local shuttles.	Not Included. Measures TST-6 and RPT-1 are intended to reduce the number of single occupant trips that occur at the site. That goal will be achieved through other measures. MM 4.3.6.4A requires that the tenants participate in Riverside County's Rideshare Program. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter. Finally, transit-oriented design is being incorporated into the design in order for the RTA to provide service to the site and access to transit hubs (WLCSP 3.3.4).
RPT-1	Implement area or cordon pricing.	
RPT-2	Implement improvements to smooth traffic flow, reduce idling, eliminate bottlenecks, and management speed.	Already Included. The proposed project already incorporates all feasible mitigation to improve traffic flow. In addition, the proposed project would also pay DIF and TUMF fees to ensure that further mitigates traffic impacts from the proposed project. See Chapter 11 of the Final Traffic Impact Analysis for a detailed listing all the traffic mitigation that is part of the proposed project and a discussion of DIF and TUMF fees that would be paid.
RPT-3	Required project contributions to transportation infrastructure improvement projects.	
RPT-4	Install park and ride lots near transit stops and HOV lanes.	Not Included. The proposed mitigation is not applicable to the project as the proposed project is not a transit hub or origin of commuter trips.
VT-1	Electrify loading docks and/or require idling-reduction systems. Heavy-duty trucks transporting produce or other refrigerated goods will idle at truck loading docks and during layovers or rest periods so that the truck engine can continue to power the cab cooling elements. Idling requires fuel use and results in GHG emissions. The Project Applicant should implement an enforcement and education program that will ensure compliance with this measure. This includes posting signs regarding idling restrictions as	Included. MM 4.3.6.3E states: <u>"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 application proposing refrigerated space. Any such proposal</u>

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

CAPCOA Mitigation Measure		Response
	well as recording engine meter times upon entering and exiting the facility.	<u>shall include electrical hookups at dock doors to provide power for vehicles equipped with Transportation Refrigeration Units (TRUs).</u> Therefore, refrigeration hookups and amenities for refrigerated warehouses are required by MM 4.3.6.3E. In addition, MM 4.3.6.2A and MM 4.3.6.3B requires that equipment and vehicles idle no more than 3 minutes.
VT-2	Utilize alternative fueled vehicles.	Partially Included. MM 4.3.6.3B requires alternative fueled yard trucks and emergency generators. WLCSP Section 12.3 requires pallet jacks, forklifts and other onsite equipment be powered by non-diesel fuel. Refer to Master Response-3 in Response to Comment Letter C-3 for reasons why requiring all vehicles and trucks to be alternative fueled is not feasible.
VT-3	Utilize electric or hybrid vehicles.	
WSW-1	Use reclaimed water.	Partially Included. MM 4.16.1.6.1C requires that the project install the infrastructure for recycled water.
WSW-2	Use gray water.	Not Included. The project would only use minimal indoor water usage. Graywater would not be feasible for the types of water usage anticipated for the project. In addition, it is unlikely that the EMWD and the County Health Department would allow graywater discharge from industrial uses.
WSW-3	Use locally sourced water supply.	Partially Included. MM 4.16.1.6.1C requires that development provide separate irrigation lines for recycled water if it becomes available in the future.
WUW-1	Install low-flow water fixtures.	Included. MM 4.16.1.6.1B requires indoor low-flow appliances.
WUW-2	Adopt a water conservation strategy.	Partially Included. The project includes water conservation features (see MM 4.16.1.6.1A, MM 4.16.1.6.1B, and MM 4.16.1.6.1C).
WUW-3	Design water-efficient landscapes.	Included. MM 4.16.1.6.1A requires outdoor water-efficient landscapes.
WUW-4	Design water-efficient landscape irrigation systems.	Included. MM 4.16.1.6.1A requires outdoor water-efficient irrigation systems.
WUW-5	Reduce turf in landscapes and lawns.	Already Included. As discussed in Section 5.2.3 Sustainable Design of the WLCSP, the proposed project incorporates the use of native landscaping to reduce water usage.
WUW-6	Plant native or drought-resistant trees and vegetation.	Included. As discussed in Section 5.2.3 Sustainable Design of the WLCSP, the proposed project incorporates the use of native landscaping to reduce water usage.
A-1	Prohibit gas powered landscape equipment.	Not Included. The air quality analysis had negligible emissions from landscaping using the CalEEMod defaults.
A-2	Implement lawnmower exchange program.	Not Included. This measure is more applicable to residential projects.
A-3	Electric yard equipment compatibility.	Not Included. The air quality analysis had negligible emissions from landscaping using the CalEEMod defaults.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

CAPCOA Mitigation Measure		Response
SW-1	Institute or extend recycling and composting services.	Included. MM 4.7.6.1A requires that recycling be provided to the project during operation.
SW-2	Recycle demolished construction material.	Included. The project would not require demolition. The California Green Building standards require that at least 50 percent of waste during construction be recycled.
V-1	Urban tree planting.	Included. The project would plant new trees (see WLCSP Section 4.2.3.1, Section 5.2.7.7).
V-2	Create new vegetated open space.	Partially Included. The project would conserve some open space; however, the project would not demolish development to create open space.
C-1	Use alternative fuels for construction.	Not Included. The project would be requiring the most efficient fleet of construction equipment, pursuant to MM 4.3.6.2A.
C-2	Use electric and hybrid construction equipment.	Partially Included. There are some hybrid Tier 4 construction equipment, which may be used by the project pursuant to MM 4.3.6.2A (as an example, the CAT 336E H Hybrid, www.cat.com/en_US/products/new/equipment/excavators/large-excavators/18378156.html). However, the project is not requiring all equipment to be hybrid because testing of hybrid construction vehicles finds a reduction in fuel consumption but an increase in emissions (University of California, Riverside. Hybrid Not Always Greener. Website: http://ucrtoday.ucr.edu/18506).
C-3	Limit construction equipment idling beyond regulation requirements. Heavy duty vehicles will idle during loading/unloading and during layovers or rest periods with the engine still on. Idling requires fuel use and results in emissions. The ARB Heavy-Duty Vehicle Idling Emission Reduction Program limits diesel-fueled commercial motor vehicles idling time to 5 minutes. There are some exceptions to the regulation such as positioning or providing a power source for equipment or operations such as lift, crane, pump, drill, hoist or other auxiliary equipment. Reduction in idling time beyond required under the regulation would further reduce fuel consumption and thus emissions. The project applicant should develop an enforceable mechanism that monitors the idling time to ensure compliance with this mitigation measure.	Partially Included. MM 4.3.6.2A requires that equipment and vehicles idle less than 3 minutes, which is beyond what the regulation requires. In addition, being consistent with state regulation increases the probability that individual drivers will comply with a requirement they are already familiar with and are already required to implement.
C-4	Institute a heavy-duty off-road vehicle plan. The Project Applicant should provide a detailed plan that discusses a construction vehicle inventory tracking system to ensure compliances with construction mitigation measures.	Partially Included. The Mitigation Monitoring and Reporting Plan (MMRP) would serve as the tool to ensure that all construction equipment meet the requirements of the mitigation measures. In addition, compliance with the mitigation measures would be documented on an on-going basis in the MMRP.
C-5	Implement a construction vehicle inventory tracking system.	
Misc-1	Establish a carbon sequestration project.	Not Included (Misc. 1, 2, 5, 6). As discussed in

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

CAPCOA Mitigation Measure		Response
Misc-2	Establish off-site mitigation.	Master Response 1 (Response to Comment C-3), the project's greenhouse gas emissions are less than significant after implementation of mitigation. Therefore, offsets are not required.
Misc-5	Require environmentally responsible purchasing.	
Misc-6	Implement an innovative strategy for GHG mitigation.	
Misc-3	Use local and sustainable building materials.	Partially Included. WLCSP Section 1.3.2 indicates that the project would use local sources of building materials to the extent feasible.
Misc-4	Require best management practices in agriculture and animal operations.	Not applicable. The project would not have animal operations or agriculture.

Response to Comment F-1-67. The commenter states that the EIR fails to include the installation of solar panels. Solar panels are now incorporated into the FEIR as part of MM 4.16.4.6.1C (refer to FEIR Volume 2 Section 4.16).

Response to Comment F-1-68. The commenter indicates that the EIR fails to adopt LEED certification standards for the project. However, LEED certification is now required by the project pursuant to MM 4.16.4.6.1C (refer to FEIR Volume 2 Section 4.16).

Response to Comment F-1-69. The commenter indicates that the greenhouse gas analysis proposes onsite alternative fueling infrastructure and a site for the sale of food, fuel, and convenience items but those measures are not included in the DEIR. However, the measures were included in the DEIR as MM 4.3.6.3C and MM 4.3.6.3D, respectively (DEIR page 1-43). Refinements were made to the measures in the FEIR for clarity. Although these measures are not required to reduce greenhouse gas emissions to less than significant, they could reduce emissions.

The commenter also indicates that the analysis fails to ensure that the mitigation measures would be fully enforceable and only requires their adoption “as appropriate.” It is unknown what mitigation measures the commenter is referring to. The air quality and greenhouse gas mitigation measures in the DEIR do not use the words “as appropriate.” The only air quality or greenhouse gas related measures that include the words “where feasible” in the DEIR are as follows:

- MM 4.3.6.2A(e), which requires that onsite electrical hook ups be provided for construction tools where feasible. This is because to require that all construction tools be electric is not feasible because there are instances where fueled equipment may be required.
- MM 4.3.6.2A(l), which requires that forklifts used during construction be electric, propane, or natural gas where feasible.
- MM 4.7.6.1A(h), which requires that existing onsite street material be recycled for new project streets to the extent feasible. It would not be feasible for all new streets to use existing onsite street material for the following reasons. First, there is likely not enough existing street material to use for all the new project streets. Secondly, the quality of the existing material may not meet current street standards.

Response to Comment F-1-70. The commenter indicates that the DEIR points to the potential action of another agency for mitigating environmental effects, as in the regulation of vehicle exhaust.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

It is a fact that motor vehicle exhaust is regulated by state and federal regulations; the City is not absolving responsibility because the EIR is implementing all feasible measures to reduce motor vehicle emissions, including the following:

- MM 4.3.6.3B(l), which requires that diesel duty trucks be model year 2010 or later. (This was a project design feature in the DEIR.)
- MM 4.3.6.3B(k), which requires that yard trucks be non-diesel and meet 2010 or Tier 4 Interim engine standards.
- MM 4.3.6.4A(g), which requires the project to install electric vehicle charging stations.

Response to Comment F-1-71. The commenter indicates that the project should implement carbon offsets. The commenter claims that the SCAQMD have demonstrated that carbon offsets are a feasible mitigation measure and the commenter provides reference to the SCAQMD's 2008 Draft Greenhouse Gas Significance Thresholds. The SCAQMD document does not specifically state that offsets are a feasible mitigation measure. The SCAQMD document does state the following regarding offsets: *"offset markets not well established"* (page 2-11) and *"it is currently uncertain how offsite mitigation measures, including purchased offsets, interact with future AB 32 Scoping Plan measures..."* (page 3-16). The SCAQMD did not recommend carbon offsets in its comment letter on this project.

The commenter claims that the California Attorney General has adopted CEQA settlements calling for the auditing, reduction, and offsetting of greenhouse gas emissions related with a project demonstrating that offsets are a feasible way to reduce a project's negative environmental effects on global warming. The commenter then references what is apparently the ConocoPhillips settlement (http://ag.ca.gov/newsalerts/print_release.php?id=1466). The ConocoPhillips project's emissions of 500,000 MTCO₂e are from the expansion of an oil refinery (hydrogen plant). The source of the emissions differs from the project's main source of emissions. The WLC's emissions are primarily from offsite motor vehicle/truck travel on offsite roads. The "onsite" greenhouse gas emissions from the project would consist of a small percentage of the mobile emissions (from onsite travel), yard trucks, generator, refrigerants, natural gas, and forklifts. Solar would be generated onsite. All other emissions would be emitted offsite.

Response to Comment F-1-72. This comment is an introductory comment indicating that the EIR fails to address how the projected effects of global warming will exacerbate the impacts of the Project. Refer to Response to Comments F-1-73 through F-1-84.

Response to Comment F-1-73. The commenter discusses research that predicts that a rise in temperatures from global warming will create a more conducive environment for air pollution formation. The commenter requests that the air quality analysis must disclose how the increased temperatures in the project area will exacerbate the already severe air quality conditions. The commenter indicates that the contribution of global warming to increased ozone formation must be fully analyzed and mitigated.

The DEIR (page 4.7-5) states that if temperatures rise to the medium warming range, there could be 75 to 85 percent more days with weather conducive to ozone formation in Los Angeles. However, as discussed on pages 4.3-12 through 4.3-20 of the DEIR, in Section 4.3 of the FEIR, and in Master Response-1 in Response to Comment Letter C-3, air quality in the region has been improving and is projected to improve. It has been improving because of various efforts by the state and local agencies, in addition to increased vehicle and truck control. MM 4.3.6.3B requires that the diesel trucks that access the project would be model year 2010 or later; those trucks have greater controls on particulate matter and NO_x and have achieved a 96 and 90 percent emission reduction in NO_x and particulate matter, respectively, as compared to 1994 model year trucks.

In addition, the DEIR (page 4.3-83 and page 4.3-87) and the revised analysis (refer to FEIR Volume 2 Section 4.3 conclude that the project's contribution to ozone is significant and unavoidable. The DEIR does not specify under which conditions or days of the year impacts to ozone are significant; to do so would not be possible with the current air quality and climate models and would be speculative.

Also refer to Master Response-2 in Response to Comment Letter C-3, which discusses health impacts from air pollution.

Response to Comment F-1-74. The commenter suggests the DEIR address climate change impacts on the project and the project's overall effects on climate change. CEQA does not require that an EIR analyze the impacts of the environment on the project. The DEIR has adequately dealt with all the effects that can be expected from climate change nonetheless, and is consistent with recommendations to respond to the impacts of climate change outlined in the DEIR Water Supply Assessment (WSA) contained in Appendix M of the DEIR the project has reduced its water supply needs by implementing water use efficiencies throughout the project. These efficiencies include the use of low water use fixtures in the buildings, drought tolerant landscaping, and recycled water where available. As outlined in the WSA Section 3.2 *project Demand* the projected water demand for the project is made up of two components, building demand and irrigation demand. As stated in the WSA, *"A majority of the estimated demand would be for landscape irrigation. The developers of this project are proposing very low water use landscaping which would reduce the projected project demand significantly."*

Climate Change is discussed in Appendix A of the WSA, Section 7. The WSA states *"EMWD has considered the impact of climate change on water supplies as part of our long term strategic planning. Climate change has the potential to affect not only local demand and supplies, but to reduce the amount of water available for import. Potential changes that may impact water supply include:*

- *Warmer temperatures leading to higher demand for water within EMWD's service area and throughout California;*
- *Reduction in the Sierra Nevada snow pack;*
- *Increased intensity and frequency of extreme weather events; and*
- *Rising sea levels resulting in increased risk of damage from storms in the Delta, high tide event and the erosion of levees in the Delta.*

"To limit the impact of climate change, EMWD's long term planning focuses on the development of reliable local recourses and the implementation of water use efficiency. This includes the full utilization of recycled water and the recharge of local groundwater basins to increase supply reliability during periods of water shortage. EMWD is also focused on reducing demand for water supplies, especially outdoors. Increasing the use of local resource and reducing the need for imported water has the dual benefit of not only improving water quality reliability, but reducing the energy required to import water to EMWD's service area."

As discussed above, this project is consistent with these water use efficiencies and MMs 4.16.1.6.1A, 4.16.1.6.1B, and 4.16.1.6.1C will be implemented to mitigate the water supply impacts, including the impacts of climate change on the project, to less than significant.

DEIR Section 4.16.1.6.1 Adequate Water Supply

The City is amending the text in Draft EIR Section 4.16.1.6.1 to clarify the inclusion of impacts to the project from climate change. This change to the Draft EIR does not result in a significant impact and has no material effect on the findings of the EIR. The addition to the text of the Draft EIR is as follows:

The Water Supply Assessment considered the impact of climate change on water supplies. Climate change has the potential to affect not only local demand and supplies, but to reduce

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

the amount of water available for import. Potential changes that may impact water supply include:

- Warmer temperatures leading to higher demand for water within EMWD's service area and throughout California;
- Reduction in the Sierra Nevada snow pack;
- Increased intensity and frequency of extreme weather events; and
- Rising sea levels resulting in increased risk of damage from storms in the Delta, high tide event and the erosion of levees in the Delta.

One of the outcomes of climate change could be more frequent limitations on imported supplies. To limit the impact of climate change, EMWD's long term planning focuses on the development of reliable local recourses and the implementation of water use efficiency. This includes the full utilization of recycled water and the recharge of local groundwater basins to increase supply reliability during periods of water shortage. EMWD is also focused on reducing demand for water supplies, especially outdoors. Increasing the use of local resource and reducing the need for imported water has the dual benefit of not only improving water quality reliability, but reducing the energy required to import water to EMWD's service area. The project developer is committed to water use efficiency and minimizing the use of potable water for landscape irrigation by using low water use fixtures, drought tolerant plants and recycled water where available as outlined in MMs 4.16.1.6.1A, 4.16.1.6.1B, and 4.16.1.6.1C.

Response to Comment F-1-75. The commenter suggests the DEIR address the climate change impacts on the project and the projects overall effects on climate change. CEQA does not require that an EIR analyze the impacts of the environment on the project. The DEIR has adequately dealt with all the effects that can be expected from climate change nonetheless consistent with the recommendations to respond to the impacts of climate change outlined in the WSA contained in the DEIR Appendix M the project has reduced its water supply needs by implementing water use efficiencies throughout the project. These efficiencies include the use of low water use fixtures in the buildings, drought tolerant landscaping and recycled water where available. As outlined in the WSA Section 3.2 *Project Demand* the projected water demand for the project is made up of two components, building demand and irrigation demand. As stated in the WSA, *"A majority of the estimated demand would be for landscape irrigation. The developers of this project are proposing very low water use landscaping which would reduce the projected project demand significantly."*

Climate Change is discussed in Appendix A of the WSA, Section 7. Refer to Response to Comment F-1-74 on a discussion on climate change and water supply. As discussed above, this project is consistent with these water use efficiencies and MMs 4.16.1.6.1A, 4.16.1.6.1B, and 4.16.1.6.1C will be implemented to mitigate the water supply impacts, including the impacts of climate change on the project, to less than significant.

Response to Comment F-1-76. See Response to Comment F-1-75.

Response to Comment F-1-77. The commenter suggests the DEIR address the climate change impacts on the project and the projects overall effects on climate change. CEQA does not require that an EIR analyze the impacts of the environment on the project. The DEIR has adequately dealt with all the effects that can be expected from climate change nonetheless climate change is taken into account as part of the rainfall characteristics and is accounted for in the hydrologic and hydraulic analysis of the drainage facilities. As stated in Section 3.2 Design Guidelines of the DEIR Master Drainage Report (Appendix J-1) *"Drainage facilities shall be designed in accordance with the Riverside County Hydrology Manual and Design Manual Standard Drawings."* The Hydrology Manual includes the most up-to-date rainfall characteristics as required by the local, state, and federal regulations. The design of the drainage facilities include a factor of safety in the form of freeboard to account for uncertainties due to climate change, rainfall patterns, friction factors and other

uncertainties. One foot of freeboard was included in the detention basins and drainage facilities to account for these uncertainties. At the time of final design the amount of freeboard to account for these uncertainties will be finalized. MM 4.9.6.1.A below requires the project to mitigate its impacts, including any impacts to the project as a result of climate change.

4.9.6.1A Prior to issuance of ~~any development~~ any building permit within the Specific Plan area, the developer shall ~~place~~ construct storm drain pipes and conveyances, as well as, ~~combined~~ detention and infiltration basin(s), bioretention areas, and spreading area(s) ~~as appropriate~~ within each proposed watershed, as outlined in the project hydrology plan, to mitigate the impacts of increased peak flow rate, velocity, flow volume and reduce the time of concentration by storing ~~increased runoff for a limited period of a time and release the outflow at a rate that does not exceed the pre-development condition~~ and infiltrating increased runoff for a limited period of time and release the outflow at a rate that does not exceed the pre-development peak flows and velocities for the 2, 5, 10, 25, and 100-year storms and volumes as assessed in the water balance model for historical conditions. For the purpose of this mitigation measure, the term “construct” shall mean to substantially complete construction so as to function for its intended purpose during construction with complete construction prior to occupancy. Field investigations will be conducted to determine the infiltration rate of soils underlying the proposed locations of bioretention areas and detention basins. The infiltration rate of the underlying soils will be used to properly size the bioretention areas and detention basins/infiltration basins to ensure that adequate volumes of runoff, in cumulative total for all bioretention areas and detention basins are captured and infiltrated. The water balance model will be updated and rerun for the site-specific conditions encountered to confirm the water balance. This measure shall be implemented to the satisfaction of the City Engineer. Energy dissipaters shall be used as the spillways of basins to reduce the runoff velocity and dissipate the flow energy. Drainage weir structures shall be constructed at the downstream end of the watersheds flowing to the San Jacinto Wildlife Area to control the runoff and spread the flow ~~in such a way~~ that the flows exiting the project boundary will return to the sheet flow pattern similar to the existing condition. Detention basins and spreading areas shall be designed to account for the amount of the sediment transported through the project boundary so that the existing sediment carrying capacity is maintained.

DEIR Section 4.9.6.1 Drainage Pattern and Capacity-Related Impacts - Project or Specific Plan Design Features

The City is amending the text in Draft EIR Section 4.9.6.1 to clarify the inclusion of impacts to the project from climate change. This change to the Draft EIR does not result in a significant impact and has no material effect on the findings of the EIR. The addition to the text of the Draft EIR is as follows:

These facilities will be designed based on the most up-to-date hydrology based on the latest rainfall to runoff patterns in compliance with local, state, and federal regulations. The design of the drainage facilities include a factor of safety in the form of freeboard to account for uncertainties due to climate change, rainfall patterns, friction factors and other uncertainties. One foot of freeboard was included in the detention basins and drainage facilities to account for these uncertainties. At the time of final design the amount of freeboard to account for these uncertainties will be finalized. The facilities are being designed to provide both detention and infiltration to mitigate increases in runoff volume, velocity and peak discharge as outlined in the following mitigation measure.

See also Response to Comment F-1-75 for mitigation of impacts for water supply.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-1-78. The commenter suggests the DEIR address climate change impacts on the project and the projects overall effects on climate change. CEQA does not require that an EIR analyze the impacts of the environment on the project. The DEIR has adequately dealt with all the effects that can be expected from climate change nonetheless 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 MM 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 effects of climate change on pollutant loadings and residence time will be addressed in accordance with the requirements at the time of final design. LID BMPs have been shown to maximize the benefit for improved water quality. This would include the design based on the appropriate pollutant loads for the project from all sources including climate change.

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 Total Maximum Daily Loads (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.” (p. 19)

DEIR Section 4.9.6.3 Operational Related Water Quality Impacts Treatment Control BMPS

The City is amending the text in DEIR Section 4.9.6.3 to clarify the inclusion of impacts to the project from climate change. This change to the DEIR does not result in a significant impact and has no material effect on the findings of the EIR. The addition to the text of the DEIR is as follows:

All development within the project will be required to incorporate on-site water quality features to meet or exceed the approved Master WQMP's water quality requirements identified previously. This would include the design based on the appropriate pollutant loads for the project from all sources including climate change.

Response to Comment F-1-79. Global warming and climate change is of growing concern, but is often difficult to determine if a proposed project has a potentially significant impact. The project site is located within a Mediterranean climate, which varies in temperature from 40 to 90 degree Fahrenheit. Any incremental increase in local temperatures will not likely have a noticeable change with regard to vegetation communities in the general vicinity of the project site. Any change in vegetation community would be speculative at best without specific data that would indicate that global warming was responsible for a vegetation community conversion. MM 4.7.6.1A is specifically designed to reduce greenhouse gas (GHG) emissions, and cumulative impacts regarding GHG emission are less than significant after mitigation.

Response to Comment F-1-80. The incremental change in global warming over the next 15 to 20 years is not likely to cause a quick conversion of a plant community. Typically, vegetation community changes, with the exception of natural disasters can take many decades. Any change in vegetation

community would be speculative at best without specific data that would indicate that reason for the conversion. MM 4.7.6.1A is specifically designed to reduce GHG emissions, and cumulative impacts regarding GHG emission are less than significant after mitigation.

Response to Comment F-1-81. This comment seems to be informative and does not require a response. The City generally agrees with the statement that habitat specialists can only survive in very specific set of climatic/habitat conditions. That is one of the major reasons why the MSHCP was designed to incorporate large areas of occupied habitat to account for slight changes in the climate. This allows for sensitive wildlife species to adjust to slight shifts in micro-habitat without the threat of development within the conservation areas.

Response to Comment F-1-82. The commenter asks what effects climate change will have on project resources. Global climate change will have a variety of direct and indirect effects on biological resources including streambeds, riparian areas, wetland, vernal pools, alluvial fan habitats, wildlife corridors, wildlife foraging habitats, or wildlife movement areas, aquatic habitats, sensitive species, and other sensitive habitats, open lands, open space, and adjacent natural habitats. These effects will occur as global temperatures slowly increase regional rainfall decreases climate patterns change and wildfire threats increase. Beyond this it is overly speculative to attempt to predict what specific impacts global climate change will have on the WLC project. A complete discussion of the impacts to biological resources can be found in the project MSHCP/DBESP document contained in Appendix E of the FEIR.

Response to Comment F-1-83. See Response to Comment F-1-82.

Response to Comment F-1-84. See Response to Comment F-1-82. The list of potential impacted resources from global climate change include SKR and burrowing owl.

Response to Comment F-1-85. The DEIR does address the peak demand of electricity for the project (DEIR page 4.16.36) in Table 4.16.I. It further explains that the project will require the addition of two new 28 megawatt (MW) distribution banks to be built out at the existing Moreno Valley substation to accommodate construction beyond the first three logistics buildings (DEIR page 4.16.37). It goes on to state that in order to meet the project's ultimate demands, Moreno Valley Utility (MVU) will require the addition of a new 112 MW substation within the project. The determining factors of timing and location of the new substation will be determined by MVU based on the growth of Moreno Valley and the direction of needed expansion within its service area. The analysis of the WLC project on the overall MVU system is ongoing by MVU as their needs change based on additional demands to its system from all current and future customers within its service area.

Response to Comment F-1-86. Since the loading of MVU's current circuits is proprietary and can only be changed by MVU, it is impossible for WLC to determine the exact timing of the need for any new systems. It is described (page 4.16.37 of the DEIR) that based on the current projected demand for the project; a new substation will be required. Potential locations of this substation have been shown on pages 7-9 of the Dry Utility Final Memo "Substation Location" within Appendix N-1 of the DEIR. The CEQA impacts of these improvements on-site have been analyzed throughout the EIR. Any off site impacts to SCE's system in order to serve MVU with additional capacity cannot be analyzed by this project since SCE's system loading and circuit information is also proprietary. The assumption that would be necessary to analyze them would create highly speculative information that may not conform to SCE's current and or future required construction and/or circuit demands on their system.

To address concerns about solar power, MM 4.16.4.6.1C *includes requirements to incorporate onsite solar (refer to the FEIR Volume 2 Revised DEIR for the exact wording)*

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-1-87. The commenter is merely stating that a reasonable range of alternatives must be evaluated in an EIR, and the EIR does evaluate a reasonable range of alternatives, based on the potential significant environmental impacts of the project identified in the DEIR and the project objectives. The commenter has failed to state why the alternatives selected for analysis in the DEIR are not reasonable. The revised TIA (FEIR Volume 2, Appendix L-1) clearly shows rail service is not only not available to the WLC project site, but would cause considerable environmental damage to residential neighborhoods to the west of the WLC site, and would not be physically feasible given the topographic limitations of any potential connection to available rail service to the west. In addition, rail service for a project that would mainly serve the Inland Empire would not be cost effective. Finally, there is no CEQA requirement cited to that requires the EIR to examine a rail alternative for this project if it is not feasible and would create additional significant environmental impacts.

Two of the most important project objectives of the project is to “*create substantial employment opportunities for the citizens of Moreno Valley and surrounding communities and to significantly improve the City’s jobs/housing balance and help reduce unemployment within the City.*” These objectives cannot be met if the high-cube logistics center is located outside the City limits.

Response to Comment F-1-88. The new information provided on the project, the various technical studies, and in the DEIR does not meet any of the four requirements outlined in CEQA and cited by the commenter. The City evaluated the many comments received on the DEIR, including those of these two commenting organizations. The revised technical studies and DEIR provide additional information, mainly in the form of responding to the many questions and comments received on the DEIR. However, this additional information does not rise to the level of significant new information, nor does it identify any new or substantially different significant environmental impacts from those identified in the DEIR. Therefore, the DEIR will not be recirculated.

Response to Comment F-1-89. The Center for Biological Diversity and San Bernardino Valley Audubon Society are on the City’s CEQA mailing list for this project and will continue to receive notices and documents as appropriate relative to the WLC project. All commenters on the DEIR will be provided a copy of the Response to Comments Volume I of the FEIR 10-days prior to the public hearing before the City Council of the proposed project. The City looks forward to any additional comments these two organizations may have regarding this project.

Response to Appendix 1. The commenter provided a Federal Register article regarding the Control of Emissions of Air Pollution from Non-road Diesel Engines and Fuel (69 Fed. Reg.). This reference discusses EPA’s adoption of Tier 4 non-road standards and is referenced in Comment F-1-63.

Perhaps the commenter provided this reference to recommend Tier 4 standards for off-road construction equipment to reduce black carbon emissions. As stated in MM 4.3.6.2A(a), Tier 4 construction equipment are required in the revised mitigation measure.

Response to Appendix 2 (Earth Hour: Turning Lights Off Reduces Greenhouse Emissions, Protects Migratory Birds). This appendix was not directly referenced in the comment letter. The project biologist assumes that the appendix is intended to provide additional information about effect of turning off lights in a city for even just one hour in reducing greenhouse gas emissions, saving energy and benefiting migratory birds. The information was considered in preparing the response to comments.

Response to Appendix 3. The commenter provided an American Lung Association State of the Air in 2005 in Riverside County, in support of Comment F-1-74. The reference indicates that ozone and particle pollution in 2005 received a grade of “F.” The DEIR discusses the poor air quality in the project area; however, it also discusses how air quality has been improving. See Response to Comment F-1-74 and G-49-2.

Response to Appendix 4. The commenter provided an American Lung Association State of the Air in 2008 report to support Comment F-1-74, in stating that Riverside County is ranked as one of the worst counties in the US for criteria pollutants. The DEIR (page 4.3-69, 4.3-83, and 4.3-87) and the revised analysis (FEIR Volume 2 Section 4.3 Air Quality) concluded significant impacts for ozone and particulate matter and also discussed the existing air setting in the project area and in the South Coast Air Basin.

Response to Appendix 5. The commenter provided *Human-Induced Changes in Hydrology of the Western United States* (Barnett 2008). See Response to Comment F-1-75.

Response to Appendix 6 (Analysis of Deer-Vehicle Collision Sites in Pennsylvania). This appendix was not directly referenced in the comment letter. The project biologist assumes that the appendix is intended to provide additional information about factors that increase the likelihood of deer-vehicle collisions. The information was considered in preparing the response to comments.

Response to Appendix 7. The commenter provided an article, *Can Reducing Black Carbon Emissions Counteract Global Warming?* (Bond and Sun 2005). Please refer to Response to Comments F-1-54 through F-1-64.

Response to Appendix 8. The commenter provided the California Attorney General's list of mitigation measures. For an analysis of project feasibility to those measures, please refer to Response to Comment F-1-66.

Response to Appendix 9 (The Riparian Bird Conservation Plan - A strategy for reversing the decline of riparian associated birds in California). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to explain strategies for conservation of riparian habitat especially in connection to birds living in these habitats. The information was considered in preparing the response to comments.

Response to Appendix 10 (The Desert Bird Conservation Plan - A Strategy for Protection and Managing Desert Habitats and Associated Birds in the Mojave and Colorado Desert). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to explain strategies for protecting desert birds and their habitats. The information was considered in preparing the response to comments.

Response to Appendix 11. The commenter provided an article titled, *Getting Warmer: Effect of Global Climate Change on Distribution of Rodents in Texas*. Please refer to Response to Comment F-1-79 through F-1-84.

Response to Appendix 12. The commenter provided CAPCOA's *CEQA and Climate Change* report that was published in 2008. See Response to Comment F-1-66, which contains a feasibility analysis of the measures.

Response to Appendix 13. The commenter provided a white paper prepared by the California Climate Change Center in 2006, *Scenarios of Climate Change in California: an Overview*. Please refer to Response to Comments F-1-72 through F-1-84.

Response to Appendix 14. The commenter provided a paper, *Our Changing Climate, Assessing the Risks to California*. The DEIR included this reference as "Climate Change Center 2006" and incorporated the information (Appendix D of DEIR page 72).

Response to Appendix 15 (Contraction of California Burrowing Owl Range). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

provide additional information about the population of burrowing owls in California. The information was considered in preparing the response to comments.

Response to Appendix 16 (Staff Report on Burrowing Owl Mitigation). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about burrowing owls and strategies for conservation and mitigation. The information was considered in preparing the response to comments.

Response to Appendix 17. The commenter provided a paper on natural gas. Please refer to Response to Comment F-1-48.

Response to Appendix 18 (Unprocessed CNDDDB Data for EL CASCO Quad). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about special status plant and wildlife species recorded to occur within the El Casco, California USGS 7.5-minute topographic quadrangle map based on information within the California Natural Diversity Database (CNDDDB). The information was considered in preparing the response to comments.

Response to Appendix 19 (Unprocessed CNDDDB Data for LAKEVIEW Quad). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about special status plant and wildlife species recorded to occur within the Lakeview, California USGS 7.5 minute topographic quadrangle map based on information within the CNDDDB. The information was considered in preparing the response to comments.

Response to Appendix 20 (Unprocessed CNDDDB Data for PERRIS Quad). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about special status plant and wildlife species recorded to occur within the Perris, California USGS 7.5 minute topographic quadrangle map based on information within the CNDDDB. The information was considered in preparing the response to comments.

Response to Appendix 21 (Unprocessed CNDDDB Data for SUNNYMEAD Quad). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about special status plant and wildlife species recorded to occur within the Sunnymead, California USGS 7.5 minute topographic quadrangle map based on information within the CNDDDB. The information was considered in preparing the response to comments.

Response to Appendix 22 (Light pollution threatens National Parks). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the negative impacts of light pollution on National Parks. The information was considered in preparing the response to comments.

Response to Appendix 23 (COSEWIC Assessment and Update Status Report on the Ord's kangaroo rat *Kipodomys orii* in Canada). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about light impacts on endangered kangaroo rats. The species documented in the report is from Canada. The information was considered in preparing the response to comments.

Response to Appendix 24. The commenter provided a criteria air pollutant report for Riverside County, which indicates that Riverside County is one of the dirtiest counties in the United States. The DEIR (page 4.3-69, 4.3-83, and 4.3-87) and the revised analysis (FEIR Volume 2 Section 4.3 Air Quality) concluded significant impacts for ozone and particulate matter and also discussed the existing air setting in the project area and in the South Coast Air Basin.

Response to Appendix 25 (Status and Trends of Wetlands in the Conterminous United States 1998 to 2004). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about wetland habitats. The information was considered in preparing the response to comments.

Response to Appendix 26 (Light Pollution and the Impacts on Biodiversity, Species and Their Habitats). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about light pollution effects on biodiversity, species and their habitats. Darkness has a functional importance and is indispensable for a healthy ecosystem. This information was considered in preparing the response to comments.

Response to Appendix 27 (South Gate Educational Center Draft EIR - Table 4.11-12: Estimated Project Natural Gas Usage from Project Site) The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information about natural gas consumption.

Response to Appendix 28 (Direct and Indirect Effects of Air Pollution on Two Hole-Nesting Bird Species). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the effects of air pollution on bird species. The study was conducted in town of Harjavalta, SW Finland. The purpose of the study was to measure individual and population level effects of air pollution, both heavy metal contamination and acidification. The project site will not likely contain heavy metal contamination and/or acidification and the likelihood of having hole-nesting birds on the project site is highly unlikely. The information was considered in preparing the response to comments.

Response to Appendix 29 (Air pollution impacts on birds and insects). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the effects of air pollution on bird species. This report is an updated on recent results of studies that have been ongoing at copper smelter in Harjavalta, SW Finland. Breeding success of great tit and pied flycatcher were markedly decreased when heavy metal emissions markedly decreased. In addition, birds did not show reduced immuno-competence in polluted areas. The project site is not associated with a copper smelter and the likelihood of having heavy metals similar to those in a copper smelter, occurring with the WLCSP is highly unlikely. The information was considered in preparing the response to comments.

Response to Appendix 30 (Biomarkers and fluctuating asymmetry as indicators of pollution-induced stress in two hole-nesting passerines). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the effects of air pollution on bird species. The study was conducted in town of Harjavalta, SW Finland and included the effects of air pollution gradients of a copper smelter on hole-nesting passerines. The project site is not associated with a copper smelter and the likelihood of having hole-nesting birds on the project site is highly unlikely. The information was considered in preparing the response to comments.

Response to Appendix 32 (Riparian Areas and Wetlands). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about riparian areas including the needs they serve and the impact humans have on them. The information was considered in preparing the response to comments.

Response to Appendix 31 (Climate Change Futures - Health, Ecological and Economic Dimensions). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information about the overarching impacts of climate change.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Appendix 32 (Riparian Areas and Wetlands). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information about riparian areas including the needs they serve and the impact humans have on them.

Response to Appendix 33 (Improving Energy Efficiency in Warehouses). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information about way to improve energy efficiency in warehouses.

Response to Appendix 34. The commenter provided an article written in Australia regarding greenhouse gas emissions from concrete manufacturing. As discussed in Response to Comment F-1-52, lifecycle emissions are not quantified because they are speculative.

Response to Appendix 35 (Roads and Their Major Ecological Effects). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about effects roadways have on the environment and its inhabitants. The information was considered in preparing the response to comments.

Response to Appendix 36 (Estimate of the Area Affected Ecologically by the Road System in the United States). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about how large the ecological effects of roadways are in the United States. The information was considered in preparing the response to comments.

Response to Appendix 37 (The Ecological Road-Effect Zone of a Massachusetts (U.S.A.) Suburban Highway). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the road-effect zone and the ecological impacts within it. The information was considered in preparing the response to comments.

Response to Appendix 38. The commenter provided a report on the potential consequences of climate variability and change for water resources in the United States. Please refer to Response to Comments F-1-75 through F-1-78.

Response to Appendix 39. The commenter provided an article regarding the impacts of air pollution on birds. Please refer to Response to Comment F-1-79 through F-1-84.

Response to Appendix 40. The commenter provided a report accepted by the Intergovernmental Panel on Climate Change (IPCC 2007), to indicate that the west coast is vulnerable to changes in water events. This reference and information is contained in the DEIR (Appendix D, pages 72-75). See Response to Comment F-1-75 through F-1-78.

Response to Appendix 41. The commenter provided a letter regarding radiative heating due to black carbon. Please refer to Response to Comments F-1-54 through F-1-64.

Response to Appendix 42 (Status of Burrowing Owls in Southwestern California). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the population of burrowing owls in southwestern California. Based on the study, burrowing owl populations occur in very small colonies and are so fragmented and diminished that long-term persistence is unlikely. The study recommends large-scale conservation efforts to preserve existing populations. The information was considered in preparing the response to comments.

Response to Appendix 43 (Ecological Light Pollution). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the effects of light pollution on natural habitats. Based on the report conclusion, the understanding of the effects of artificial night lighting is still limited and additional investigation on artificial night lighting is required. The information was considered in preparing the response to comments (e.g., see Response F-1-21).

Response to Appendix 44 (Riparian Forests as Nutrient Filters in Agricultural Watersheds). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the benefits of riparian vegetation as nutrient filters near agro-ecosystems. The information was considered in preparing the response to comments.

Response to Appendix 45. The commenter provided a report regarding reducing greenhouse gas emissions through product life-cycle optimization for personal computers and concrete. Please refer to Response to Comment F-1-52.

Response to Appendix 46. The commenter provided an article, *Mortality Risk Associated with Short-Term Exposure to Traffic Particles and Sulfates*. The article is referenced in regard to black carbon. Please refer to Response to Comment F-1-59.

Response to Appendix 47 (Determination of Biologically Equivalent or Superior Preservation (DBESP) Alessandro Commerce Center). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide a comparison DBESP within Moreno Valley. The proposed Alessandro Commerce Center impacted a total of 0.32 acres of riparian/riverine habitat and restored 0.64 acres of riparian/riverine habitat. The mitigation required for impacts to riparian/riverine habitat was biological superior to existing conditions. The information was considered in preparing the response to comments.

Response to Appendix 48 (Environmental Impact Report for the Alessandro Commerce Center). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide a comparison EIR within Moreno Valley. Only the biological resources section was included in the appendix. Mitigation measures include conducting a nesting bird survey, preparing a DBESP, Payment of the SKR HCP Fee. The information was considered in preparing the response to comments.

Response to Appendix 49 (San Jacinto Wildlife Area Bird List (including Lake Perris State Recreation Area)). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about birds living in the surrounding area. A list of 319 species were identified as occurring within the SJWA and Lake Perris State Recreation Area. The information was considered in preparing the response to comments.

Response to Appendix 50. The commenter provided a report, *Water Management Strategies to Weather the Effects of Global Warming*. Please refer to Response to Comment F-1-75 through F-1-78.

Response to Appendix 51 (Nutrient Dynamics in an Agricultural Watershed: Observations on the Role of a Riparian Forest). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the benefits of riparian vegetation as nutrient filters in agricultural watersheds. The information was considered in preparing the response to comments.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Appendix 52. The commenter provided an article regarding black carbon. Please refer to Response to Comment F-1-54 through F-1-64.

Response to Appendix 53 (RAND - Balancing Environment and Development: Costs, Revenues, and Benefits of the Western Riverside County Multiple Species Habitat Conservation Plan). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the costs and benefits of the MSHCP with regard to mobility and mobility projects. The analysis does not consider benefits that result from faster improvement of the region's major roads or the faster completion of road safety and maintenance projects. The information was considered in preparing the response to comments.

Response to Appendix 54 (RAND - Balancing Environment and Development: Costs, Revenues, and Benefits of the Western Riverside County Multiple Species Habitat Conservation Plan). Contained within Appendix 53.

Response to Appendix 55 (Final MSHCP- Section 6.0 MSHCP Implementation Structure). This appendix was directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the implementation strategies for the MSHCP. Section 6.0 of the MSHCP describes the implementation structure of the MSHCP with regard to property needed for MSHCP Conservation. Projects that are not included in a Criteria Cell are not required for MSHCP conservation. Discretionary projects within Criteria Cells are subject to review under the HANS process. The information was considered in preparing the response to comments.

Response to Appendix 56. The commenter provided an article regarding the climate impact of black carbon. Please refer to Response to Comment F-1-54 through F-1-64.

Response to Appendix 57 (San Jacinto Valley Crownscale Map). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide a map of the USFWS designated Critical Habitat for San Jacinto Valley crownscale. The information was considered in preparing the response to comments.

Response to Appendix 58. The commenter provided SCAQMD's Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold (2008). Please refer to Response to Comment F-1-71.

Response to Appendix 59. The commenter provided an article, *Effects of Climate Change on In-Stream Biology and Freshwater Ecosystems*. Please refer to Response to Comments F-1-79 through F-1-84.

Response to Appendix 60. The commenter provided a paper, *Predicting Extinctions as a Result of Climate Change*. Please refer to Response to Comments F-1-79 through F-1-84.

Response to Appendix 61. The commenter provided information on black carbon and climate change. Please refer to Response to Comment F-1-54 through F-1-64.

Response to Appendix 62 (Are Small, Isolated Wetland Expendable?). This appendix was not directly referenced in the comment letter. The project biologist assumes the appendix is intended to provide additional information about the importance of small wetlands for biodiversity. The information was considered in preparing the response to comments.

Response to Appendix 63 (Air pollution induces heritable DNA mutations). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information about the connection between air pollution and heritable DNA mutations.

Response to Appendix 64 (A Case-Control Analysis of Exposure to Traffic and Acute Myocardial Infarction). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information about the association of traffic exposure to risk of AMI.

Response to Appendix 65. The Fact Sheet Nonpoint Source Pollution: The Nation's Largest Water Quality Problem, Pointer No. 1, EPA841-F-96-004A was reviewed. The Fact Sheet states that non-point source pollution is a problem. The Fact Sheet states that significant improvements have been made over the last 10 years as a result of compliance with the Nonpoint Source Management Program established by the 1987 Clean Water Act Amendments. The Program established the National Pollution Discharge Elimination System (NPDES) permit.

As part of the requirements of the NPDES permit, a Water Quality Management Plan was prepared for the project which analyzes the potential for non-point source pollution due to the project. A number of potential sources of pollution were identified in DEIR Section 4.9.3.1 *Pollutants of Concern and Assessment Methodology*, Table 4.9.C: *Anticipated and Potential Pollutants Generated by Land Use Type*. These pollutants of concern include bacterial indicators, metals, nutrients, pesticides, toxic organic compounds, sediments, trash & debris, and oil & grease). Best Management Practices to mitigate these impacts have been incorporated into the project and are identified in DEIR Sections 4.9.6.2 *Construction-Related Water Quality Impacts* and 4.9.6.3 *Operational-Related Water Quality Impacts*.

Although adherence to the NPDES requirements is required of all development within the City, the incorporation of these requirements as MMs 4.9.6.2A and 4.9.6.2B (refer to Responses to Comments F-5-13 and F-5-23) are designed to ensure that any future development within the WLCSP area obtains coverage under the NPDES General Construction permit, and to track compliance with these requirements as part of the Mitigation Monitoring and Reporting Plan or Program.

Response to Appendix 66 (Impact and Control of Agricultural RUNOFF). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information about the benefits of riparian vegetation as nutrient buffers near agricultural land uses.

Response to Appendix 67. The commenter provided the first two pages of an article, *Controlling particulate emissions from diesel vehicles*. This article was published in the United Kingdom and discusses legislation in the United Kingdom. The article was provided in support of black carbon mitigation. Please refer to Response to Comment F-1-54 through F-1-64.

Letter F-2: American Lung Association (April 5, 2013)



411 Mac Kay Drive
San Bernardino, CA 92408
909-884-5864 phone
909-884-6249 fax

April 5, 2013

Mark Gross, Senior Planner
City of Moreno Valley
Community and Economic Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Re: World Logistics Center DEIR

Dear Mr. Gross,

The American Lung Association in California is submitting this letter in response to our concerns about the significant air pollution-related health impacts of the proposed World Logistics Center (WLC) development and the need for the draft Environmental Impact Report (DEIR) to fully address those impacts.

After reviewing the DEIR, we are extremely concerned that the proposed project will generate significant health risks to the community, one that is already burdened by significant air pollution. 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 DEIR states that air pollution-related cancer risks from the proposed project would exceed the threshold of 10 in one million and that the daily and annual emissions of all pollutants would exceed the South Coast Air Quality Management District's regional emissions significance levels and would also continue to exceed the localized significance thresholds. 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 DEIR fails to address these impacts.

Air pollution is a critical public health issue; everyone is at risk, but people with lung disease, children and the elderly are most vulnerable. The DEIR fails to analyze the health impacts of this

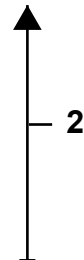
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project on these vulnerable populations, including those with respiratory disease, or the impact of cumulative emissions from this project and others in the vicinity that are also being planned. We ask the City of Moreno to seek a full analysis of the potential health impacts from the increased pollution from the proposed project and to request additional project alternatives that would mitigate those impacts.



Sincerely,

Terry M. Roberts
Area Director

RESPONSES TO LETTER F-2

American Lung Association

Response to Comment F-2-1 and F-2-2. The commenter notes concerns regarding the significant health impacts to the community from the project and that the Draft Environmental Impact Report (DEIR) fails to address these impacts. The commenter requests additional analyses of potential health impacts and identification of project alternatives that would mitigate those impacts.

Health effects of diesel particulate matter (PM) are discussed in Master Response-2: Health Effects of Diesel Particulate Matter (refer to Response to Letter C-3). The DEIR has presented a comprehensive evaluation of the project's air quality and health impacts. The DEIR used emission and assessment methods and tools approved by the Air Resources Board (ARB) and South Coast Air Quality Management District (SCAQMD). Detailed estimates were made of the project's construction and operational emissions as part of the project's localized air quality assessment, regional emission assessment, and health risk assessment. The project's potential impacts were then compared with the significance thresholds established by the SCAQMD from which it was determined that the project would result in significance air quality impacts. These thresholds are designed to protect public health. The project's impacts are fully disclosed in the DEIR and in the revised analysis, including the identification of project design features and mitigation measures designed to minimize the project's pollutant impacts.

Letter F-3: California Clean Energy Committee (April 8, 2013) and Appendix List, Petition, and Appendices 1-187 (on Flash Drive)

California Clean Energy Committee

*"We're all working together
to do a better job for the country."*

April 8, 2011

Mr. Mark Gross, Senior Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92553

Re: Comments on Draft Program Environmental Impact Report
World Logistics Center Project
(SCH # 2012021045)

Dear Mr. Gross:

This letter will constitute comments by the California Clean Energy Committee on the Draft Environmental Impact Report for the World Logistics Center Project (EIR).

The California Clean Energy Committee is a California non-profit corporation headquartered in Davis which seeks to promote energy conservation, greenhouse gas reduction, and the development of clean-energy resources in California. It actively supports the application of the California Environmental Quality Act (CEQA) to energy conservation and related impacts.

Over 20 individuals in the Moreno Valley area have joined Clean Energy's campaign to request that that city require robust energy conservation and environmental stewardship in the World Logistics Center project design.

All notices regarding this project are requested to be sent to 3502 Tanager Avenue, Davis, California 95616-7531. Please feel free to contact the undersigned for additional information.

Accompanying this letter is a USB flash drive containing electronic copies in pdf format of all the documents listed in the appendix to this letter. Please contact us if you have any difficulty displaying the documents.

The EIR should be amended to incorporate an analysis of energy conservation, to include feasible mitigation for GHG emissions, to fully address transportation impacts and mitigation, and to incorporate a reasonable range of alternatives and then recirculated. The

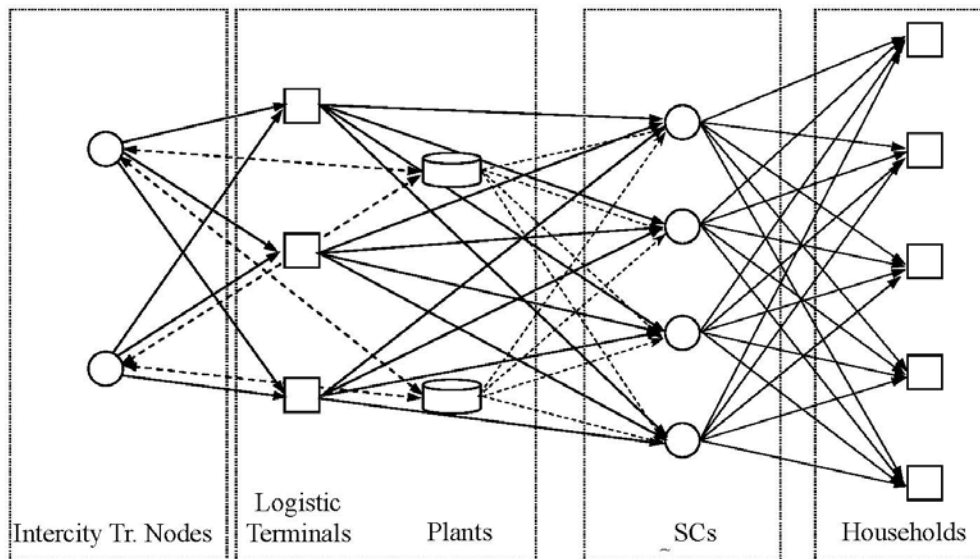
Mr. Mark Gross, Senior Planner
April 8, 2013
Page 2

logistics industry is uniquely situated to enable a wide variety of companies to pursue corporate responsibility and environmental sustainability goals in a cost-effective way. Sustainability is a key buying criterion for a growing number of consumers and a key factor in determining the reputation and success of companies. The development of sustainable logistics solutions should be a key element of the planning and development of the World Logistics Center.

1. Logistics Sprawl

According to the Southern California Association of Governments (SCAG), Southern California already faces severe congestion on its transportation routes with truck traffic as one of the major culprits. SCAG projects that warehousing in western Riverside County will increasingly serve the ports of Los Angeles and Long Beach. This will entail increased hauling distances and will contribute to traffic congestion and will lead to greater environmental and economic impacts on the region.

Figure 1: Supply Chain Network for Retail Goods in a City.

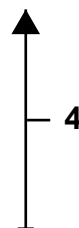


SCAG expects truck traffic to grow significantly on key east-west freeway segments. Increased truck traffic will cause longer delay to both trucks and general traffic. SCAG has planned a new East-West Freight Corridor that would run adjacent to SR-60 in an effort to accommodate truck traffic generated by projects such as this one.

The EIR should evaluate the potential cumulative impact of increased heavy-duty truck traffic from the ports. SCAG provides a Heavy Duty Truck modeling program which is a four-step data model for projecting the effects of increased trucking to the Inland Empire.

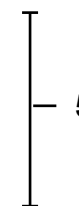
Mr. Mark Gross, Senior Planner
April 8, 2013
Page 3

Urban package delivery is connected with increasing levels of traffic congestion, climate impacts, air quality impacts, and energy use. By locating the WLC at a considerable distance from the businesses and consumers that will ultimately receive the products, the project increases the amount of travel required to deliver goods and the related impacts to their ultimate destination. The EIR should evaluate the impact of increasing the total net distance travelled by trucks to reach their final destinations in the region.

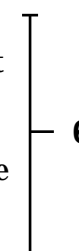


2. Mitigation of Transportation Impacts

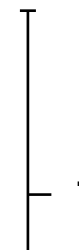
The project will have significant and unmitigated impacts to SR-60, SR-91, and I-215. The Perris Valley Line, which is now under development in Riverside County, projects that it will serve 4,350 riders daily and that the diversion from private car use to rail will reduce VMT by approximately 34 million miles per year reducing GHG emissions in the region. Riverside Transit Authority (RTA) has numerous transit routes serving the area.



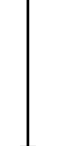
The city should implement a transit funding charge on the project to fund mass transit operation expenses, van pools, real-time ridesharing, alternative mode marketing, transit pass programs, guaranteed ride home, truck routing and scheduling information, and management time to implement a traffic demand management measures that to mitigate freeway impacts. Transportation system impacts can be off-set by programs that increase transit mode share. Additional transit ridership would reduce congestion caused by the project.



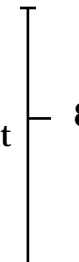
Impacts could further reduced by implementing a transit-oriented development (TOD) design. TOD integrates transit service into the layout for the project so that transit services are convenient and obvious at employment sites. The proposed project should be designed around an effective transit plan which would encourage transit by designing it as a simple, convenient, clean, and economic way for employees to commute to work. This requires that the land use plan for the project be designed to integrate transit and that upgraded transit facilities be required so as to maximize transit mode share.



The project should subsidize transit fees, promote transit ridership, insure adequate transit service, and improve transit intermodal connections so as to increase transit ridership and reduce impacts to transportation system, air quality, energy, and GHG emissions.



ITE trip generation rates for a traditional warehouse are about 4.96 trips per thousand square feet. The trip generation analysis for the project is estimating .11 per thousand square feet. This means that a warehouse on site is projected to have about 2 percent as much traffic as a traditional warehouse. This is unreasonable and unsupported given that the number of truck trips would be similar for the two uses and given that employment, while much lower at this project, is not expected to be only 2 percent of a traditional warehouse.



Mr. Mark Gross, Senior Planner
 April 8, 2013
 Page 4

The project concludes that certain transportation impacts are mitigated by the TUMF fee. However, TUMF mitigation does not account for the additional trips generated by the project being disproportionately truck trips which require considerably more infrastructure investment due to their greater traffic congestion impacts.

9

3. Transportation Management District

A Mello-Roos district should be established for the project to fund the design and operation of an on-going transportation management district and a commuter benefits program to serve the project's transportation demand. Employers should be required to contribute on either a square footage basis or an employee formula. A commuter benefits program provides alternatives and incentives that encourage commuting by more sustainable modes such as transit, rail, biking, van pools, and car-pooling. Commuter benefits programs are based on a traffic mitigation plan that includes public outreach to commuters through various media including workplace promotion, social media, on-line ride matching, signage, on-site transit pass sales, on-site transit information, discounted transit passes, and coordination with transit agencies. Employers located at the project site should mitigate transportation impacts by actively participating in a commuter benefits program. Such a program could be operated under the joint supervision of the City of Moreno Valley and the Riverside County Transportation Agency. By securing the participation of all employers on site through a Mello-Roos district and CC&Rs, companies can minimize the expense and administrative burdens of setting up individual programs while providing a more effective and responsive program under the supervision of specialized staff working with RTA.

10

4. Freight Rail

The EIR should analyze mitigation that would require the project applicant to develop freight facilities in along the San Jacinto Branch Line or take advantage of the intermodal facilities in San Bernardino to reduce impacts to regional freeways resulting from the shipment of cargo by truck to the project site from the San Pedro Bay ports, from other intermediate distance locations, and from elsewhere in the United States and Canada. The EIR should discuss whether the selection of the proposed site forecloses future use of energy efficient freight rail transportation.

11

5. Vehicle Miles Travelled

The EIR assumes that there will be no traffic impact other than trip generation because the jobs/housing balance in Moreno Valley will be improved by the project. At the same time the EIR claims that the project will involve high-cube warehouse space that will employ only a few people resulting in a very low trip generation rate. These are contradictory assumptions.

12

Mr. Mark Gross, Senior Planner
April 8, 2013
Page 5

The EIR should specify what a high-cube warehouse is and assure that only warehouses with the projected low levels of employment would actually be built on site. Monitoring should be provided that would insure that high-employment uses would not be accommodated or that additional mitigation would be required if traffic counts ultimately exceeded the low-employment levels that the traffic analysis projects.

The number of employees expected to work at the project should be projected along with a how many of those employees would be expected to live in Moreno Valley, how many of them would be new residents, and how the jobs-housing ratio would be affected in view of those numbers.

The project is expected to generate 71,085 vehicle trips daily. Those are trips that will either begin or end at the project site. There is no support for the proposition that 71,085 less auto trips will be made elsewhere in the Los Angeles Basin as a result of this project. The EIR must analyze the vehicle miles travelled (VMT) associated with this project. SB 375 provides that regional transportation plans must lay out a land use pattern with the goal of reducing GHG emissions through VMT reductions. (Cal. Gov. Code Section 65080(b)(2)(B)(vii).) Locating the warehousing on the periphery of the urbanized area may increase the distance trucks are required to travel thus off-setting any potential reduction resulting from an improved jobs-to-housing ratio. The analysis should consider that some trips generated by the project will be made by delivery vehicles which may travel hundreds of miles, frequently stopping, before returning to the project site.

6. Alternative Fuels

Shippers operating from the project should be required to use alternative fuels to reduce the air pollution, energy, and climate impacts of the project. This includes zero-emission vehicles such as electric delivery vans and trucks operating on natural gas for as many of the new vehicles acquired for the project as feasible as well as for equipment operating on the site such as forklifts.

Heavy fleet operation can be based on fuel cell vehicles using hydrogen as a fuel source. The alternative fueling station for the project should provide for H2 fueling to be incorporated. The project should provide funding to Riverside Transit Authority to provide H2-powered transit taking advantage of the H2 fueling station. Fleet operations may make hydrogen fuel cell vehicles



Mr. Mark Gross, Senior Planner
April 8, 2013
Page 6

cost-effective. The EIR should evaluate mitigation that requires companies to operate with sustainably-fueled, zero-emissions vehicles. Solar photovoltaic on warehouse roofs can charge vehicle batteries or operate hydrogen electrolysis to power zero-emissions fleet vehicles.

14

7. Parking

All employers owning or leasing buildings in the project site should be required to offer parking cash-out to employees. Parking cash out requires employers to offer employees the option to choose cash in lieu of any parking subsidy offered. Implementation of parking cash-out by individual employers can be used to reduce transportation impacts whether or not employers are able to reduce the number of parking spaces they own or rent.

15

The project should adopt shared parking through either a parking district or public parking in lieu of minimum parking requirements. Employers should be allowed to reduce the number of shared parking spaces they construct or lease based upon (i) the likelihood that multiple facilities will not all require maximum parking at the same time and (ii) the extent to which individual facilities can implement cash-out parking. This reduces costs to employers and moderates single-occupant vehicle demand.

8. Co-Loading and Back-Hauling

The project should require companies locating at the project site to participate in the VICs Empty Miles program or an equivalent program to reduce empty backhauls and to facilitate co-loading opportunities. The design of the program should be tailored to take advantage of economies of scale at the WLC site.

16

9. SmartWay

Companies operating at the project should be required to participate in the U.S. EPA's Smart Way Program. Under that program freight shippers commit to use SmartWay freight carriers for 50 percent or more of their shipping resulting in more freight being carried by freight companies that are taking steps to reduce energy consumption and emissions.



17

Smart Way allows ground shippers to track supply chain emissions using data supplied to the SmartWay system by trucking and rail companies. It also allows shippers to model strategies to reduce emissions. The EPA is continually upgrading this tool, and it is being

Mr. Mark Gross, Senior Planner
 April 8, 2013
 Page 7

integrated into logistics programs. The SmartWay shippers can pick carriers to meet performance targets for emissions reductions. This allows shippers to drive efficiency in the supply chain and encourages freight carriers to adopt strategies such as idle reduction, improved aerodynamics, improved freight logistics, automatic tire inflation systems, single wide-base tires, and driver training.

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10. Evaluation of Energy Resources

The EIR should evaluate the economic viability of potentially-feasible renewable energy strategies and energy efficiency tools available that could reduce energy demand from the project. The EIR should evaluate options for putting the entire project on 100 percent renewable electrical energy, or some lesser percentage as may be feasible, and evaluate the extent to which transportation systems associated with the construction and operation of the project can be fueled from renewable electrical generation or other reduced-emission fuels.

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The EIR should compare the relative efficiency of different technologies to could provide energy to the project for operation, construction, transportation, and other uses. The EIR should discuss the projected energy use of the project and the impact of requiring additional generation facilities to serve the anticipated load. Project loads should be estimated based upon typical high-cube warehouse space operations including lighting, space conditioning, battery recharging, equipment, transportation, water heating, etc. Energy resources potentially available include natural gas, solar radiation, grid-sourced electricity, petroleum, wind, geothermal, biofuels, and biomass. The EIR should evaluate ways in which the projected electric demand can be served in an efficient and environmentally-sustainable way. The EIR should evaluate strategies for reducing reliance on fossil fuels, increasing reliance on renewable resources, reducing peak loads, and reducing the impacts of reliance on remote generation facilities.

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The planned 40,000,000 square feet of commercial space comprising the project would yield 28,000,000 square feet of rooftop solar PV at a 70 percent coverage ratio. At an average of 4 mWh daily produced per mW of solar generation capacity, the available solar generation would produce 204,400 mWh annually. The cost of purchasing an equivalent amount of power using \$0.1401 per kWh, which is the time-of-use rate for summer peak for large commercial users of the Moreno Valley Electric Utility, is over \$28 million per year.

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Mr. Mark Gross, Senior Planner
 April 8, 2013
 Page 8

SOLAR ENERGY PER YEAR	
Gross Floor Space (sf)	40,000,000
Available Roof Space for Solar PV (sf) ¹	28,000,000
Roof Space Required per MW of Generation (sf) ²	200,000
Solar Generation Capacity (mW) ³	140
Annual Solar Generation (mWh) ⁴	204,400
Annual Cost of an Equivalent Amount of Electric Power purchased from Moreno Valley Utility ⁵	\$28,636,400

Using the CPUC-determined starting price for the SB32 feed-in-tariff of \$89.23/mWh and a 20 percent adder for solar time-Of-use characteristics, the annual wholesale value is \$21,829,920. The shading effect of rooftop solar arrays reduces cooling demand and should be included in the energy benefits.

The addition of solar generation to the project could be centrally managed by a third party or under contract with Moreno Valley Utility. Excess power could be sold to the Moreno Valley Utility under a long-term power purchase agreement or sold to SCE. Moreno Valley Utility could enter a long-term lease agreement and finance the solar at municipal bond rates. Ratepayers would benefit because the Moreno Valley Utility would meet its renewable portfolio standard (RPS) obligation at no additional cost, rather than being required to pay a premium for renewable energy purchased through the RAM auction.

The EIR should discuss how failing to implement reliable and efficient local energy generation would pre-empt future clean energy development. By failing to adopt renewable energy when the project is implemented, project occupants become subject to administrative and financial obstacles as well as additional construction costs associated with retro-

¹ 40,000,000 square feet of commercial space would yield 28,000,000 square feet of usable roof space at a 70 percent usable ratio.

² Solar generation at Orange County Convention Center delivers 1.016 MW from 200,000 s.f. of roof space.

³ 28,000,000 square feet of roof space used for solar panels would generate 140 mW (28,000,000/200,000=140).

⁴ Assuming conservatively 4 mWh per day of generation for each mW of solar generation capacity, 140 mW of capacity would produce 204,400 mWh of electricity per year (4 mWh * 140 * 365).

⁵ 204,400,000 kWh * \$0.1401.

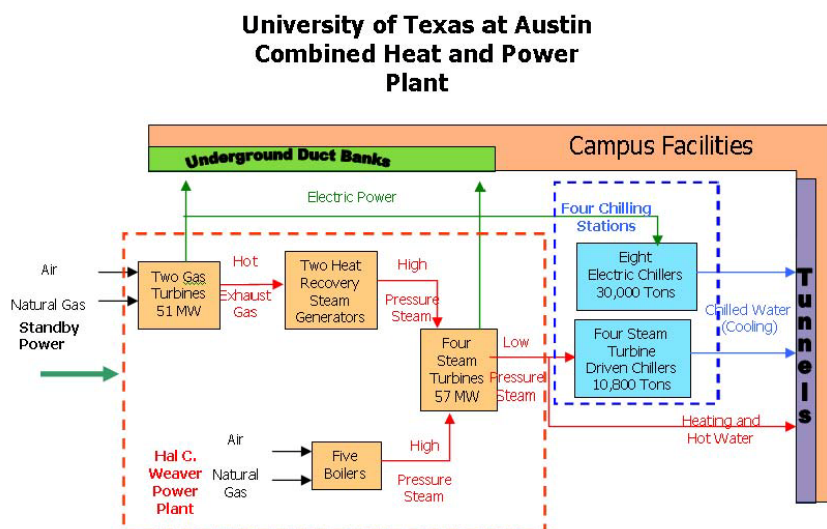
Mr. Mark Gross, Senior Planner
 April 8, 2013
 Page 9

fitting renewable generation to an operating commercial building, rather than installing it as a component of the initial construction. 20

11. District Heating and Cooling

District heating and chilled water should be evaluated for use project-wide in lieu of packaged HVAC units. Either centrifugal chillers or centralized solar collection technology driving single or double effect absorption chillers should be considered. Chilled water and hot water service could be produced via one or more solar thermal installations. The payback period on such a system can be less than five years. Chilled water can also provide cost-effective thermal storage taking advantage of off-peak electricity rates and solar thermal resources.

District heating and cooling should also be evaluated based on implementing combined-cycle gas turbine generation with a combined heat and power application that uses waste heat to power an absorption chiller. To the extent that new natural-gas-fired generation would serve the project's electrical demand, generation should be located close to project load in order to reduce the cumulative impact of requiring additional long-distance transmissions lines, to reduce transmission line losses, and to facilitate combined heat and power applications using waste heat. The EIR should also consider the GHG impacts from sulfur hexafluoride emissions (SF6), a human-made chemical that is used as an electrical insulating fluid for power distribution. In 1998, atmospheric concentrations of SF6 were 4.2 ppt and steadily increasing in the atmosphere. SF6 is the most powerful GHG listed in IPCC studies with a GWP of 23,900 (Intergovernmental Panel on Climate Change 1996). Avoiding reliance on grid-sourced power also increases power reliability avoiding costly power outages for business locating in the WLC. CHP is especially attractive in hotter inland areas because of high cooling loads. 21

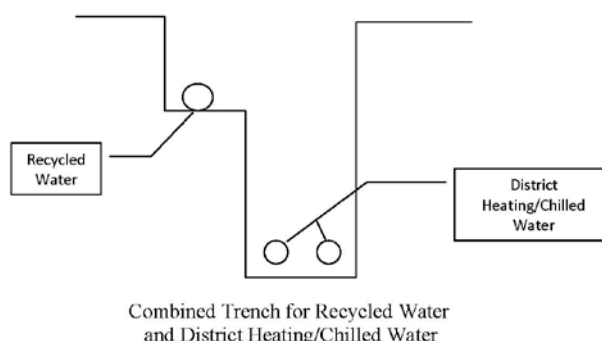


Mr. Mark Gross, Senior Planner
 April 8, 2013
 Page 10

Investment tax credits and municipal bonding by a cooperative agreement with the Moreno Valley Electric Utility can be combined with a Mello-Roos district reduce capital costs to approximately 4 percent while taking advantage of tax incentives available only to the private sector. The combination is considerably less than the cost of financing separate HVAC units as part of the construction take-out financing. A Mello-Roos district and appropriate mitigation provisions as a condition of project approval would insure adequate project demand to insure financial viability and justify financing.

As noted, capital costs are substantially reduced for renewable energy systems integrated into the initial project design and installed during initial construction, as opposed to being retrofitted at some later date. Chilled water distribution piping installed as a component of the initial project is another good example of this. Piping would be sequenced into construction of underground utilities such as water, sewer, natural gas, electricity, data services, recycled water, etc. using an appropriate joint trench design.

District chilled water reduces capital costs and maintenance costs for individual warehouses the cost to purchase and install large HVAC units, the cost of structural components required to support heavy HVAC equipment on roofs, the cost of sizing substations and power distribution systems to serve peak demand for numerous large HVAC systems, the costs to construct floor space for HVAC equipment, and the cost of duct work throughout warehouses. HVAC maintenance costs and replacement costs are reduced because individual buildings do not have HVAC systems to maintain or replace. Air handler units and chilled-water piping are used. The overall cooling capacity that must be purchased is reduced because system size is based on overall peak demand rather than by equipping each building to meet peak cooling demand individually. Further cost savings could be achieved by selling credits from the project under the AB 32 cap and trade program.



12. Ground Source Heat Pumps and Solar Water Heating

Ground source or geothermal heat pumps can reduce heating and cooling expenditures for buildings by 40 to 70 percent. Ground source heat pumps take advantage of relatively consistent ground temperatures. The city should evaluate the use of ground source heat pumps and solar water heating to increase project efficiency and reduce impacts. Horizontal or vertical loops could be installed quickly and efficiently prior to initiating foundation work. Applicable federal tax credits increase the economic returns. Ground source heat pumps can supply hot water, or they can be paired with solar water heating to provide an alternative design to district heating and cooling.

Mr. Mark Gross, Senior Planner
April 8, 2013
Page 11

13. Lighting and Energy Efficiency

The total cost of ownership of LED lamps is considerably less than incandescent and florescent lamps. Up to 80% of the electrical energy used in warehouses is consumed by electric lighting. The EIR should consider requiring LED lighting throughout including the use of LED lighting in parking lots because of the reduced energy requirements of LED lighting. Many projects now exceed Title 24, Part 6. The EIR should also evaluate incorporating additional energy efficiency up to 40 percent beyond Title 24.

23

14. Microgrid and Storage

A microgrid is a cluster of electricity sources and possibly controllable loads that are connected to the traditional wider power system but which may, as circumstances dictate, disconnect from it and operate as an island for short periods of time. Microgrids can consist of multiple buildings or locations. Micro-grids provide the power quality and reliability benefits of on-site generation with semiautonomous control as well as cost, efficiency and environmental benefits. The EIR should evaluate the use of a microgrid for the WLC project area. Microgrids are suitable for projects that require high reliability and availability of electricity supply. Microgrids allow the efficient integration of project-wide renewable energy resources, enable consumption shift to off-peak hours, facilitate energy storage, reduce environmental impacts, and enhance the safety, reliability and affordability of electric service to business users. Energy storage should be evaluated for combinations of thermal storage, vehicle batteries (V2G), and hydrogen electrolysis for vehicle and equipment use.

24



Chilled Water Storage

Mr. Mark Gross, Senior Planner
 April 8, 2013
 Page 12

15. Ancillary Benefits

The combination of solar photovoltaic, energy conservation, a district chilled water system and enhanced Title 24 plus compliance would bring the project near to net zero with no additional lifecycle cost. Clean energy systems provide on-going, long-term savings to companies operating on the project site. They also make the project more attractive to companies intending to meet sustainability goals. Sustainability has become a key buying criteria for consumers, and sustainability is a critical factor in shaping the reputation of a company. Sustainable projects sell more quickly because they provide economic benefits to prospective owners. Faster sales reduce the developer's project carrying costs.

Renewable energy facilities provide additional value for the invested dollar because they increase the reliability of the energy supply. Black-outs cause considerable economic losses to businesses and typically require expensive, inefficient, and decentralized back-up power supplies. Incorporating micro-grid technology into the WLC grid would greatly increase the resilience of the Moreno Valley electric grid and allow for islanding the site and maximizing local generation while shedding of non-essential load during power emergency conditions. The combined-cycle gas turbine/chilled water plant at the UC Davis Medical Center in Sacramento was to a large extent initiated because of the reliability of locally-sourced generation.

Buildings that incorporate on-site renewable generation have increased market value and that market value grows over time. By contrast, brown power is only an expense and carries no investment return. Further, an investment in renewable energy locks in the cost of energy for the lifetime of a project. It provides companies a hedge against energy price increases resulting from factors such as volatile fossil fuel prices or the cost of decommissioning nuclear facilities.

16. Mello-Roos District

The city should condition approval of the World Logistic Center on the formation of a Mello-Roos district encompassing the project site to generate long-term funding sufficient to insure the operating cost for more efficient and more economical project operation.

The Mello-Roos Community Facilities Act of 1982 (Gov. Code, § 53311 et seq.) authorizes local government agencies to form community facilities districts to “finance the purchase, construction, expansion, improvement, or rehabilitation of any real or other tangible property with an estimated useful life of five years or longer,” as well as related planning and design work. (Gov. Code, § 53313.5.) The financed facilities need not be physically located within the Mello-Roos district. (Gov. Code, § 53313.5.) Funding under the act is through the use of special taxes, submitted to a two-thirds voter approval. (Gov. Code, §§ 53326, 53328.)

Mr. Mark Gross, Senior Planner
April 8, 2013
Page 13

The Legislature has recognized importance of dramatically reducing California's reliance on fossil-fuel powered electrical generation by adopting the California Renewable Portfolio Standard, which will help to reduce air pollution in the state, meet the state's climate change goals, promote stable retail rates for electric service, meet the state's need for a diversified and balanced energy generation portfolio, assist meeting the state's resource adequacy requirements, contribute to the safe and reliable operation of the electrical grid, provide a predictable electrical supply, voltage support, lower line losses, and congestion relief, and to implement the state's transmission and land use planning activities related to development of eligible renewable energy resources. (Pub. Utilities Code, § 399.1(b).)

Proceedings for the formation of a community facilities district are initiated by adoption of a resolution of intention to establish the district. The resolution of intention sets a time for a public hearing on the establishment of the district, at which time interested persons may protest or otherwise comment on formation of the district. (Gov. Code, §§ 53321, 53323.) If a majority protest has not been made, the legislative body may adopt a resolution of formation establishing the district. (Gov. Code, § 53325.1.) Following establishment of the community facilities district, an election must be held within the district to authorize the proposed special tax. If fewer than 12 registered voters reside within the boundaries of the district on the date 90 days before the date of the hearing, then the tax is voted on by persons who own property within the district on the date of the hearing, each receiving 1 vote for each acre of land owned. If 12 or more registered voters reside within the district, then the election is by registered voters within the district. (Gov. Code, § 53326.)

26

17. Farmland Impact

The project will have a significant impact on conversion of unique farmland and farmland of local importance. The city should provide mitigation for the farmland impacts by requiring the purchase of conservation easements for an amount of land equivalent to the farmland that will be occupied by the project. The easements should be held by the city or by a suitable land trust.

27

18. Alternate Sites

The EIR should fully evaluate alternative sites, or a combination of alternative sites, that are capable of supporting a large-scale, logistics warehouse project. The City of Beaumont contains at least three parcels that would support large-scale logistics warehousing. The City of Calimesa has a large amount of vacant land near Singleton Road and I-10. Union Pacific's El Paso Line runs through Beaumont. The City of Perris has considerable land that could be used for large-scale logistics warehousing. Riverside County has considerable land already zoned for light industrial or business park uses along the I-215 corridor south of Moreno Valley where logistics warehousing would be appropriate. The March Joint Powers Authority has over 700 acres of developable land. San Jacinto has

28

Mr. Mark Gross, Senior Planner
 April 8, 2013
 Page 14

considerable land available for a large logistics warehouse. BNSF has trackage rights for freight service on the San Jacinto Branch Line, which runs parallel to I-215 from Riverside through Perris and Hemet to San Jacinto.

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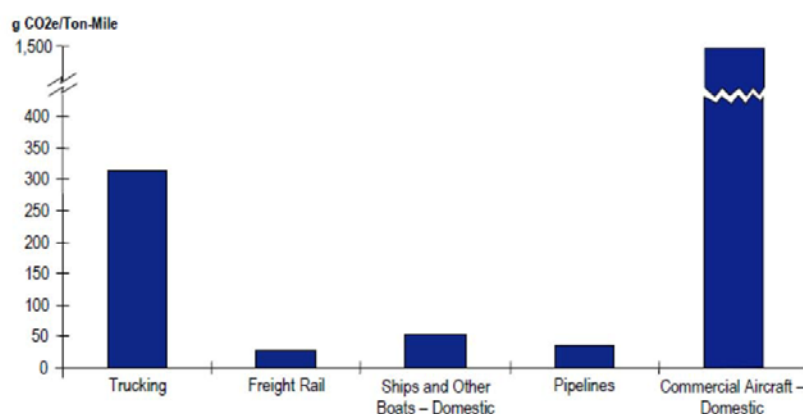


Exhibit 2.10: GHG Emissions per Freight Ton-Mile by Freight Transportation Mode, 2006

Source: U.S. EPA, 2008, *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 to 2006*; and Bureau of Transportation Statistics, *National Transportation Statistics*.

19. Mixed-Use Design

The EIR does not contain a plausible mixed-use alternative. Modeling should be done to develop an optimized mixed-use design. The EIR should analyze the vehicle-miles travelled reduction for the mixed-use alternative. Trip counts should be reduced for the mixed-use alternatives based on the resulting internal capture of vehicle trips on the project site.

29

The Mixed-Use A alternative contains no residential and thus fails to achieve the reduced travel impacts that are associated with locating residential development close to commercial and business uses. Mixed Use B alternative eliminates all commercial development and again fails to locate commercial and residential near to each other where trip generation and vehicle miles travelled would be reduced. The mixed use alternatives have not been design in a manner that would achieve the benefits of mixed-use design.

The project should be evaluated for consistency with AB 32, the SCAG Sustainable Communities Strategy and with Executive Order S-03-05.

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20. Covenants, Conditions and Restrictions

The project applicant should be required to record a set of CC&Rs on the entire project site that implements cost-effective energy and climate mitigation including the various components described in this comment letter. Particular focus should be given to energy

31

Mr. Mark Gross, Senior Planner
April 8, 2013
Page 15

efficient designs, development of renewable energy resources, the use of transportation energy, smart-grid integration, and the implementation of district heating and cooling.

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Respectfully submitted,

/s/ Eugene S. Wilson

Eugene S. Wilson

Enclosures

RESPONSES TO LETTER F-3

California Clean Energy Committee

Response to Comment F-3-1. The City acknowledges that the Committee has expressed interest in energy conservation as it applies to the World Logistics Center (WLC) project. The City is interested in finding ways to conserve various forms of energy and help reduce the emission of greenhouse gases.

Response to Comment F-3-2. The City did receive the cited information on the flash drive and it has been incorporated as various appendices to this comment letter. Much of the appended materials were general articles on energy conservation, air pollution control, etc. this may or may not bear a direct relationship to the WLC project. Since the commenter did not indicate how these materials relate to the WLC project and Environmental Impact Report (EIR), the City will not speculate as to their appropriateness, but simply conclude that many measures to conserve energy through building design, reduce vehicle fuel consumption, and provide for alternatives to traditional internal combustion and diesel engines onsite will be implemented as appropriate, and as outlined in various sections of the Draft Environmental Impact Report (DEIR) (e.g., 4.3, *Air Quality*, 4.7, *Greenhouse Gases*, and 4.16, *Transportation*). The World Logistics Center Specific Plan (WLCSP) also has a section on sustainability that addresses building design, landscaping, water use, lighting, etc. (WLCSP Section 1.3.2).

Response to Comment F-3-3. The DEIR contains a number of measures to conserve energy through building design, reduce vehicle fuel consumption, and provide for alternatives to traditional internal combustion and diesel engines onsite have been proposed in various sections of the DEIR (e.g., 4.3, *Air Quality*, 4.7, *Greenhouse Gases*, and 4.16, *Transportation*).

Response to Comment F-3-4. The commenter discusses the expected growth in truck traffic on the freeway system and suggests the Traffic Impact Analysis (TIA) analysis of truck traffic should be extended to the Los Angeles ports.

An additional section (Chapter 12, Section F) has been included in the revised TIA (FEIR Volume 2, Appendix L-1) that analyzes project impacts on freeways to the ports. The analysis found only a small percentage of WLC truck traffic would be to and from the ports. See Table 86 in the revised TIA (FEIR Volume 2 Appendix L-1), repeated below as Table F-3.A. This is based on Southern California Association of Governments (SCAG) survey data.

Table F-3.A: Percentage of WLC Trucks to or from the Ports

Year	% of Warehouse Space Used for Port-Related Cargo	% of Truck Trips Going to and from the Ports
2012	5.00%	2.07%
2022	9.30%	3.86%
2035	16.30%	6.76%

No impacts were found that were not already covered in the TIA. The freeway analysis in the TIA takes into account the cumulative effect of reasonably foreseeable future development that would affect the overall volume of truck traffic. The growth in truck traffic stems from a variety of factors including population and economic growth, increasing internal and external trade, and locational decisions dependent on the availability and cost of land.

Response to Comment F-3-5. The commenter is correct that the project TIA identifies significant impacts to the identified freeways which cannot be mitigated because the Lead Agency (City) does not have control over how improvement funds are spent in other jurisdictions. However, the revised TIA (Chapter 4, Section F, Volume 2, Appendix L-1) does fully evaluate the potential for rail service to this site and concludes it is not physically feasible, practical, and would result in substantial environmental impacts to residential neighborhoods west of the WLC project if a new rail line were brought in to serve this project. The analysis showed rail service to the project site is not viable due to a range of factors, including high fixed costs, secondary impacts on the community, terrain, and capacity constraints within the rail system.

Response to Comment F-3-6. The project is proposing to increase transit ridership and decrease single-occupant vehicle demand through strategies other than through a transit funding charge, though the outcomes are expected to be similar. Section 3.4.6.2 of the DEIR describes various ways the project would incorporate strategies to reduce congestion. Specifically, the DEIR states “*The Specific Plan states that project site development will support alternative transportation options for employees through implementation of onsite bicycle storage, preferred parking for low-emitting and fuel-efficient cars, carpool high-occupancy vehicles, and access to public transit.*” These requirements can be found in the WLCSP at Sections 3.3.4 – Mass Transit Circulation, 3.3.5 – Emergency Access/Trail Connection, 3.4.2 Multi-Use Trails, 3.4.3 – Bicycle Circulation, and 6.0 – Sustainability.

In addition, all facilities at the WLC would be required to participate in programs that will achieve the goal sought by the commenter. A requirement already contained within the DEIR is Mitigation Measure (MM) 4.3.6.4A requires that tenants participate in Riverside County’s rideshare program, which has an established program to distribute information and coordinate carpooling and public transportation. In addition, all tenants will need to comply with the requirements of South Coast Air Quality Management District (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.

With regard to truck routing, trucks are required to use designated truck routes within the City of Moreno Valley. Other jurisdictions have the option of establishing truck routes or prohibiting trucks from selected streets as it meets their jurisdiction’s need to do so. Since this is programmatic document and it is not known what tenants would occupy the proposed buildings or their business needs, it is speculative to determine that a truck scheduling system would be compatible with their operations. Additionally, as indicated in the TIA, Section 4.D, the vast majority of truck traffic would occur outside peak traffic times and scheduling system would not eliminate the need for truck trips that do occur during peak traffic times.

Response to Comment F-3-7. The commenter requests that the project use a transit-oriented development (TOD) design.

The TIA concurs with the commenter that transit service to the project site is poor, but points out that this is due to the current lack of demand at a site that currently consists of dry-agriculture fields and seven houses. The project would include transit-supportive features (see Chapter 12, Section D of the revised TIA, FEIR Volume 2, Appendix L-1) and it is expected that transit service will be provided once the project reaches a transit-supportable level of operations.

Response to Comment F-3-8. The commenter states the TIA’s trip generation rates of 0.11 vehicular trips per thousand square feet per day (VT/KSF/day) is too low when compared to Institute of Transportation Engineers’ (ITE’s) warehouse rate for traditional warehouses (4.96 VT/KSF/day).

The commenter misstates the trip generation rate that was used in the TIA analysis. The commenter seems to have mistaken the 0.11 VT/KSF/day figure from the fifth column in TIA Table 22, which refers to the AM peak hour only, for the daily rate. The correct figure for the daily rate is presented in

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

the right-most column of TIA Table 22 and is 1.68 trips per thousand square feet per day. This figure is appropriate for high-cube warehouses and is supported by studies from the ITE. ITE has established separate trip generation rates for traditional and high-cube warehouses because the latter typically involve a much higher degree of automation and so have a smaller labor force, and consequently fewer commute trips, than traditional warehouses. The WLCSP would include restrictions on the types of operations allowed on site to maintain consistency with the trip generation assumptions.

Response to Comment F-3-9. The commenter states that TUMF fee mitigation does not adequately account for the project being disproportionately truck trips due to their greater traffic congestion impact.

The TUMF fee schedule adheres to the "rough proportionality" requirement in the Mitigation Fee Act. It is not within the City's authority to change this formula.

Response to Comment F-3-10. A transportation management district and commuter benefits program were included as part of the DEIR through MM 4.3.6.4A and through the requirements of Air Quality Management District (AQMD) Rule 2022. A requirement already contained within the DEIR is MM 4.3.6.4A requires that tenants participate in Riverside County's rideshare program, which has an established program to distribute information and coordinate carpooling and public transportation. In addition, all tenants will need to comply with the requirements of SCAQMD Rule 2202, which accomplishes the same goals as requested by the commenter.

The commenter discusses Mello-Roos Districts as a vehicle to fund design and operation of an on-going transportation management district, the commenter makes no connection between Mello-Roos Districts and any environmental issue and no response is required. The City Council will consider all comments on the project before making a decision on the project.

Response to Comment F-3-11. The commenter states the TIA should address using rail as a mitigation measure.

An additional section (Chapter 4, Section F) has been included in the TIA (FEIR Volume 2, Appendix L-1) that analyzes the potential for serving project trips by rail. The analysis showed rail service to the project site is not viable due to a range of factors, including high fixed costs, secondary impacts on the community, terrain, and capacity constraints within the rail system.

Response to Comment F-3-12. The commenter questions the seeming contradiction between the project helping the jobs/housing balance in Moreno Valley and the low employee trip generation rate. The commenter also wants assurances that employment levels will actually be as low as forecasted. The commenter claims that there is no support for the proposition that if the project generates 71,085 trips daily that these would substitute for work trips that would otherwise go to other parts of the Los Angeles Basin and that SB-375 requires land use plans that reduce greenhouse gas emissions through vehicle miles traveled (VMT) reductions.

The TIA correctly shows the WLC would improve the jobs-housing imbalance in the City of Moreno Valley by creating needed employment opportunities (Chapter 4, Section D, FEIR Volume 2, Appendix L-1). However, it is clear that the project would not in-itself resolve the entire issue of out-commuting from Moreno Valley and no such claim was made in the report. The specific plan for the project includes a definition of high-cube warehouse that would prohibit labor-intensive activities in areas zoned for high-cube warehouse, which will result in employment levels as forecasted.

The commenter's contention that there is "no support" for the proposition that work trips to the WLC would substitute for work trips that would otherwise go to other parts of the Los Angeles Basin is not correct. The very heart of SB-375 and subsequent sustainable community strategies is to redress the

current problem of long commutes caused by jobs being located in urban cores while housing spreads out to suburbs and exurbs. Moreno Valley, which has one of the lowest jobs-to-housing ratios in the six-county SCAG region, is an extreme example of this problem. A large majority (70%) of Moreno Valley workers commute to jobs outside the city, and many commute long distances far outside the city. According to the U.S. Census Bureau, 20.2% of Moreno Valley workers commute more than 50 miles one way to work, and another 22.2% drive 25 to 50 miles one way (U.S. Census Bureau. 2013. OnTheMap Application. Longitudinal-Employer Household Dynamics Program. <http://onthemap.ces.census.gov/>). There is every reason to foresee that if 20,000 jobs, closely matching the skill set of the Moreno Valley labor force, were to become available in Moreno Valley many residents of the city would take up those jobs in lieu of working at more distant locations, thus reducing the amount of long-distance commuting. While not every job at WLC would be taken by a local resident, the TIA made no claim to such effect. Census data suggests that something like one-third of the jobs in Moreno Valley are taken by residents of the city; some similar percentage may also occur for WLC employees, depending on how much new housing is developed in the city.

Response to Comment F-3-13. The proposed Specific Plan contains regulations which directly address the alternative fuels issues raised by the commenter. Section 1.3.2 “Green Building – Sustainable Development” contains specific design features that will reduce the project’s environmental footprint including accommodating alternative means of transportation, requiring the establishment of an on-site fueling facility for alternative fuels, and providing for alternative power sources including roof-top solar systems on individual buildings. To encourage the use of such fuels, MM 4.3.6.3C and 4.3.6.3D requires the alternative fueling site to be operational prior to the end of the first phase of the WLC.

It is infeasible to require that all trucks utilize alternative fuels exclusively. Trucking operators need to make business decisions to remain viable, one of which relates to selecting a type of fuel suited to its particular needs. The fuel market is dominated by fossil-fuel based vehicles and these vehicles need to be accommodated as well as alternatively fueled trucks. As stated above, the WLC project is imposing the highest current restrictions on all trucks accessing the individual sites and is committing to provide fueling facilities for alternative fuels.

It is not possible at this time to commit to a phase-in for alternative fueled vehicles for the WLC for several reasons. First, it is unknown who the tenants of the WLC will be and the specific nature of their operations (e.g., long-haul trucking versus regional trucking), which would determine the availability of alternatively-fueled vehicles. Furthermore, the trucks serving the WLC are not under the control of the developer and, most likely, would not be under the control of tenants. It is typical that trucking needs would be arranged by the ultimate cargo owner through the use of third parties, such as third-party logistics providers (more commonly known as 3PLs). As a result, the tenant would not have the necessary control to require a phase-in schedule for alternatively-fueled trucks. Additionally, phase-in schedules for alternative-fueled vehicles are unworkable in the context of the WLC. Since most tenants are not expected to have direct control over the trucks that call the WLC facilities, there would be no practical way to allocate responsibility for alternative-fueled vehicles among a multitude of trucking companies, whom the tenants may not even have prior knowledge of. It is for implementation reasons such as this that the WLC has committed that all medium-heavy and heavy duty trucks, those weighing 15,000 pounds (Gross vehicle weight (GVW)) or more, serving WLC facilities must be 2010 compliant to engine emission standards of the State of California and United States Environmental Protection Agency (USEPA), a standard that can be easily communicated and equitably enforced. The WLC project is believed to be the first project of its size to mandate this standard. Finally, while the economics of alternatively-fueled trucking may be changing, there is yet not significant enough market penetration of alternatively-fueled trucks (for instance, no alternatively-fueled trucks have been added to the ports of Long Beach and Los Angeles’ drayage fleet since the ports have ended subsidies for alternatively-fueled trucks) to expect them to reliably serve the WLC through a phase-in schedule.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-3-14. The commenter indicates that the EIR should evaluate mitigation that requires sustainable zero-emissions vehicles; solar can charge vehicle batteries or operate hydrogen electrolysis to power zero-emission fleet vehicles.

Refer to Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, which discusses the reasons for why zero-emissions vehicles are not feasible for this project (see Comment Letter C-3).

Response to Comment F-3-15. There is no evidence that shared or district parking will, in itself, reduce or moderate single-occupant vehicle demand. It is merely a method of organizing parking among multiple of tenants/owners. It would have no impact on the demand by employees for parking and is speculative that multiple facilities would not require maximum parking at the same time. However, all facilities at the WLC would be required to participate in programs that will achieve the goals sought by the commenter. A requirement already contained within the DEIR is MM 4.3.6.4A requires tenants participate in Riverside County's rideshare program, which has an established program to distribute information and coordinate carpooling and public transportation. In addition, all tenants will need to comply with the requirements of SCAQMD Rule 2202, which accomplishes the same goals as requested by the commenter. Specifically, it contains a provision for parking cash-out programs as one method to reduce single-occupant vehicle demand.

Response to Comment F-3-16. The proposed project is programmatic in nature. As a result, it is unknown which specific companies will choose to operate at the WLC or the nature of their operations. As a result, it is impossible to determine if a program like VICS Empty Miles is compatible with future possible tenants. There are too many possible participants and possible variations of participants (trucking companies, cargo owners, facility managers, beneficial cargo owners, 3PLs (third party logistics providers), ocean carriers, and others to understand how they could work with a program like Voluntary Interindustry Commerce Solutions (VICS) Empty Miles at this stage. To a large degree, such programs are unnecessary because to the extent that there are economic opportunities for backhaul, companies already take advantage of them. No trucking company chooses to drive empty. Even so, there are many backhaul trips that remain empty because there are major logistical and liability issues associated with interchanging equipment or cargo, which these programs essentially require to work. To a large degree, some companies are not expected to have any control over the truck fleets that call on their facility. This is because some companies do not own their own trucks. While other companies may be engaged in a proprietary operation that is not suited to coordination with other companies' cargo operations. Historically, these programs have not been successful for the reasons indicated and, in fact, the VICS Empty Miles program website (www.emptymiles.org) is unreachable at the time this response was prepared.

For these reasons, it is unknown whether the VICS Empty Miles program or similar programs would successfully reduce empty backhaul miles. The use of the VICS Empty Miles program or equivalent would be best evaluated at the project level, should any exist at that time. Therefore, the following mitigation measure will be added to the traffic section to encourage future users to take advantage of this program if they are able:

~~**4.15.7.4G** City shall work directly with WRCOG to request that TUMF funding priorities be shifted to align with the improvements identified in this TIA.~~

4.15.7.4G 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.

Response to Comment F-3-17. The commenter indicates that the project should be required to participate in the Environmental Protection Agency's (EPA's) SmartWay Program.

The diesel trucks that would access the project site would be required to be model year 2010 or newer. SmartWay features (low rolling resistance tires and aerodynamic devices) are required through California's Tractor-Trailer Greenhouse Gas Regulation. 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. Participation in this program would be of benefit to many but not all potential tenants of the WLC project, so MM 4.3.6.3B only encourages and does not require participation in this program. If participation is economically feasible and advantageous, many WLC project businesses will certainly want to participate in it, but is unknown at this time what that would mean to a specific business and/or operations since no specific uses or users are proposed at this time. Please see the Final Environmental Impact Report (FEIR) Mitigation Monitoring Reporting Program for a list of the project's mitigation measures.

Response to Comment F-3-18. A comparison of the relative efficiency of different feasible renewable energy technologies is unnecessary to achieve the goal sought by the commenter, which is fueling the construction and operation of the project from renewable electric generation of reduced emission fuels. Regardless of the specific incentive or measure identified above, the various proposed mitigation measures proposed in the FEIR Volume 2 Sections 4.3 and 4.7 share the same goal of a reduction in greenhouse gas emissions.

The proposed project is implementing mitigation measures to reduce the project's impacts related to greenhouse gas emissions, other than those arising from vehicles which are not under the City's control. In the FEIR, the project has incorporated a new MM 4.16.4.6.1C, which requires the following:

- 4.16.4.6.1C** Prior to the issuance of a building permit, new development shall demonstrate that each building has implemented the following:
- 1) Install solar panels with a capacity equal to the peak daily demand for the ancillary office uses in each warehouse building;
 - 2) Increase efficiency for buildings by implementing either 10 percent over the 2008 Title 24's energy saving requirements or the Title 24 requirements in place at the time the building permit is approved, whichever is more strict; and
 - 3) Require the equivalent of "Leadership in Energy and Environmental Design Certified" for the buildings constructed at the World Logistics Center based on Leadership in Energy and Environmental Design Certified standards in effect at the time of project approval.
- This measure shall be implemented to the satisfaction of the Building and Safety and Planning Divisions.

Taken together, these measures exceed the goals established by AB 32 for reducing greenhouse gas emissions, reduce reliance on fossil fuels, increases reliance on renewable resources, and reduce peak loads as suggested by the commenter. The greenhouse gas and climate change impacts analyzed in the FEIR as it relates to the project's incremental use of onsite electricity and corresponding generation of greenhouse gases is not cumulatively considerable and therefore requires no further mitigation. With regard to using onsite power generation to power electric vehicles,

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

please refer to Master Responses (refer to Response to Letter C-3) regarding the feasibility and availability of electric vehicles.

The commenter also indicates that the EIR should evaluate options for 100 percent renewable electrical energy or a lesser percentage. The project is implementing solar, according to MM 4.16.4.6.1C. Also refer to Response to Comment F-3-20.

The commenter also indicates that the EIR should evaluate the extent to which transportation systems can be fueled by renewable electricity or other reduced emission fuels. The project requires yard trucks, generators, and onsite equipment during operation to be powered by non-diesel fuel. In addition, electric vehicle charging infrastructure is being installed in the project. However, requiring additional transportation related measures is not feasible as discussed in Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, and Response to Comment C-3-8.

Response to Comment F-3-19. Since this project falls within MVU's service territory, it is the serving utilities responsibility to secure additional power from Southern California Edison (SCE). WLC has provided all of the current information to Moreno Valley Utility (MVU) for their use in evaluating what additional power requirements they will have in the area. MVU will work with SCE to do a complete and thorough review of SCE's systems in order to properly serve MVU's needs. Any off site impacts to SCE's system in order to serve MVU with additional capacity cannot be analyzed by this project since SCE's system loading and circuit information is also proprietary.

The project's electrical demand is based on typical high-cube warehouses energy demands provided by MVU (see full analysis in Appendix N-1 of FEIR Volume 2). An analysis of twelve similar operations within the utility's service territory was evaluated to establish the projected energy demands for the project.

The benefits of providing various types of renewable energy for this project have been evaluated. In making the evaluation, the project has taken into consideration current California Public Utilities Commission (CPUC) requirements. Currently this project is committed to providing renewable energy through solar panels that will be installed on the rooftops of buildings to help offset the power requirements within the project (MM 4.16.4.6.1C). A detailed solar analysis is included in Appendix N-2 of FEIR Volume 2.

Response to Comment F-3-20. The project has done extensive research in evaluating the energy requirements necessary for the project as well as the possibility of providing solar power options to help offset the electrical demand. Currently the project does have a solar commitment (refer to Response to Comment F-3-18).

Response to Comment F-3-21. It is understood that District heating and cooling facilities is widely used on large campus single owner parcels to distribute power and provide heating and cooling opportunities for all buildings. While it may also be used on similar projects outside of California, the state currently does not allow private District heating and cooling systems such as those that have been suggested by the commenter to cross Public rights of way to serve individual property owners (California Public Utilities Code Section 218). All of the streets within the WLC will be public.

District heating and cooling facilities provide an environmental benefit when heat waste from power generation can be utilized for ancillary uses. However, the project will be required to use solar panels to reduce the projects reliance on grid source power (see MM 4.16.4.6.1C and Responses to Comments F-3-18 thru 20).

Response to Comment F-3-22. The facilities planned for the WLC will generally have limited domestic hot water requirements and only seasonal space heating requirements. Ideally geo-exchange loops would be located in an area of the site where they could be maintained in the future.

The commenter suggests the horizontal or vertical loops can be placed below the foundation this is problematic since the loop may interfere with the location of future foundations for the racking and material handling equipment that is typically installed after the construction of the core and shell of the building. Citing Geo exchange loops within parking or truck yard areas would be problematic to maintain or repair because they would require interruption of the operations of the building.

Solar thermal systems are not viable for the proposed project because there is a limited demand for domestic hot water during the times where the solar thermal system would be able to produce heated water. In addition, the project will require future users to install photovoltaic panels to generate electricity, so many of the systems, like hot water, that typically use natural gas, may use electricity instead, such as flash heaters.

Response to Comment F-3-23. The facilities planned for the WLC will include energy efficient interior lighting systems that will exceed the 2013 California Building Energy Efficiency Standards (Title-24 Part 6) by 10%. Light-Emitting Diode (LED) lighting for interior applications will be incorporated into the project as a part fulfillment of MM 4.16.4.6.1C (exceeding Title 24 by 10%).

Section 4.1.6.4 in the DEIR (Aesthetics) provides a discussion on light and glare and the effect not only on the adjacent residential areas, but also specifically addresses issues of the SJWA to the south and other “natural” areas. There are numerous requirements that must be applied on a project specific basis. These include compliance with the City of Moreno Valley Ordinance 851 on lighting and two mitigation measures to minimize “white” light spillage into the SJWA. LED lighting for exterior applications will be incorporated into project to the extent it meets the requirements outlined above. Also refer to Responses to Comment F-3-18 through F-3-20 and also to Responses F-1-21 regarding low pressure sodium lighting.

Response to Comment F-3-24. It is understood that Microgrid facilities is widely used on large campus single owner parcels to distribute power for all buildings. While it may also be used on similar projects outside of California, the state currently does not allow private District heating and cooling systems such as those that have been suggested by the commenter to cross public rights of way to serve individual property owners (California Public Utilities Code Section 218). All of the streets within the WLC will be public.

Thermal storage allows excess thermal energy to be collected for later use, hours, days or many months later, at individual building, multiuser building, district, town or even regional scale depending on the specific technology. This is not possible since the project is not using co-generation or district heating and cooling (See Response to Comment F-3-21).

Vehicle Batteries (V2G) is a system in which plug-in electric vehicles, such as electric cars (BEVs) and plug-in hybrids (PHEVs), communicate with the power grid to sell demand response services by either delivering electricity into the grid or by throttling their charging rate. This is not possible for this project as MVU does not have a smart grid (based on a phone call with the Jeannette Olko Electric Utility Division Manager for MVU).

Hydrogen Electrolysis for vehicle and equipment use is an automobile that hypothetically derives its energy directly from water. Please see Master Response in Letter C-3 regarding use of alternative fuel vehicle as part of the project.

Response to Comment F-3-25. The WLC is proposing to provide a combination of solar photovoltaic, energy conservation, and enhanced Title 24 plus compliance to reduce the impacts of the project. These clean energy systems will make the project more attractive to companies intending to meet sustainability goals.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Please see Responses to Comments F-3-20 through F-3-24 regarding the feasibility of implementing mitigation measures summarized in this comment.

Response to Comment F-3-26. The commenter discusses Mello-Roos Districts as a vehicle to fund project infrastructure but does not make any specific suggestions for how this funding mechanism might be utilized in connection with the WLC project. Further, the commenter makes no connection between Mello-Roos Districts and any environmental issue regarding the WLC project other than a general statement relative to the State's push to reduce reliance on fossil-fuel powered electrical generation. Further because a Mello-Roos District requires voter approval, the City can't force anyone to vote in favor of setting one up.

Response to Comment F-3-27. The commenter has suggested the project mitigate the loss of farmland by a conservation easement. In fact, a new MM 4.2.6.1A has been added to the FEIR Volume 2 requiring the acquisition of a conservation easement be recorded over land of comparable productive value to preserve offsite farmland or equal or more agricultural productivity compared to the unique farmland. It should be noted the revised Parsons Brinckerhoff report and the *California (California) Land Evaluation and Site Assessment (LESA) Model* report (FEIR Volume 2, Appendix C-1 through C-4) have determined that conversion of the Farmland of Local Importance does not represent a significant impact based on the results of the revised LESA model assessment (see also Response F-7A-39 to Letter F-7A for more information on agricultural impacts).

Response to Comment F-3-28. The commenter is referred to Section 6.3.9 of the DEIR that provides a detailed analysis of potential alternative sites in eleven different jurisdictions up to 20 miles from the WLC project site, including several sites mentioned by the commenter. DEIR Figure 6.1 shows the locations of the various jurisdictions that were contacted and/or analyzed for alternative sites and Table 6.R presents the results of that analysis. The DEIR concluded that there were no adequate sites available for various reasons, including size, freeway accessibility (project will not be rail served as explained previously), etc.

Response to Comment F-3-29. An EIR is not required to provide detailed and costly land use plans or designs as part of its analysis of alternatives, but rather the level of detail is dictated by the results of the environmental assessment (i.e., what significant environmental impacts were identified) and what is the overall level of detail provided in the EIR. In this case, this is a programmatic EIR so therefore analysis of land uses at a programmatic level are appropriate and reasonable. Similarly, CEQA does not require a detailed traffic study be prepared for each alternative developed, but a general assessment of impacts (e.g., trip generation comparison) rather than an expensive and detailed traffic study for each alternative that would not yield substantial new information relative road and intersection impacts. Impacts of alternatives are necessarily characterized relative to the proposed project, so a percentage more or less than the impacts of the proposed project is sufficient for a programmatic environmental analysis such as in this EIR.

Response to Comment F-3-30. The commenter is referred to Section 4.7 of the DEIR which specifically addresses consistency with AB 32, SCAG Sustainable Communities Strategy (SCS), Executive Order S-3-05, and the various implementation guidelines developed subsequent to 2006 when the law was signed. In addition, it must be remembered this is a programmatic EIR and future specific development will have to comply with more specific energy conservation requirements in the future. Pages 4.7-38 through 4.7-40 of the DEIR discusses project consistency with the AB 32 Scoping Plan. In Appendix D of the DEIR (pages 229-230), the Sustainable Communities Strategy is discussed. The revised report contains additional information regarding consistency with the Regional Transportation Plan (RTP).

Response to Comment F-3-31. Covenants, conditions and restrictions (CC&Rs) are a normal element of master-planned projects that will ultimately be owned or leased by multiple entities. CC&Rs ensure that a mechanism is in place to manage the overall project and any properties owned

in common. The WLC project will have a comprehensive set of CC&Rs to ensure these functions are properly managed.

The commenter's concerns with issues such as energy efficiency and climate mitigation are more properly regulated and enforced by the applicable land use regulations, not through CC&Rs. Section 11.3.2 of the WLCSP requires site-specific discretionary Plot Plan approvals which will evaluate the details of each building proposed in the WLC and provides the opportunity for the City to impose and enforce appropriate conditions of approval to address these issues and any others that may arise. In addition, each Plot Plan will have its own CEQA evaluation to ensure that environmental issues are appropriately evaluated prior to a project approval.

Response to Appendix 1 (Energy Design Resources Design Brief Chiller Plant Efficiency). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to District Heating and Cooling.

Response to Appendix 2 (Application Opportunities for Absorption Chillers by Johnson Controls). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to District Heating and Cooling.

Response to Appendix 3 (Optimize your facility's energy utilization with free heat by Johnson Controls). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to District Heating and Cooling.

Response to Appendix 4 (Improve your HVAC-energy utilization by Johnson Controls). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Heat Pumps.

Response to Appendix 5 (Use Low-Grade Waste Steam to Power Absorption Chillers by US Department of Energy). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to District Heating and Cooling.

Response to Appendix 6 (CASE STUDY: Central Plant District Cooling and Heating on College Campus). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to District Heating and Cooling.

Response to Appendix 7 (Project Profile - Toyota Motor Sales South Campus Office Development Torrance, California). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to LEED.

Response to Appendix 8 (Macy's Goes Solar and Improves Energy Efficiency in 28 California Stores with SunPower - Case Study). The appendix was not directly referenced in the comment letter. It is assumed that the appendix is intended to provide additional information related to Solar Power.

Response to Appendix 9 (FedEx Goes Solar with SunPower - Case Study). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Solar Power.

Response to Appendix 10 (USGBC Project Profile - OFFICE DEPOT AUSTIN, TX). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to LEED.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Appendix 11 (USGBC Project Profile - EMERYVILLE MARKETPLACE EMERYVILLE, CALIFORNIA). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to LEED.

Response to Appendix 12 (USGBC Project Profile - JACKSON SQUARE REDEVELOPMENT INITIATIVE ROXBURY AND JAMAICA PLAIN, ROXBURY AND JAMAICA PLAIN, MASSACHUSETTS). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to LEED.

Response to Appendix 13 (Tiffany's saves \$450,000 annually with SunPower - Case Study). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Solar Power.

Response to Appendix 14 (Same as Appendix 13). Same as Appendix 13.

Response to Appendix 15 (Wal-Mart Renewable Energy: Ohio). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Solar Power.

Response to Appendix 16 (Talbot Solar & Radiant Estimate). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Solar Power.

Response to Appendix 17 (California's Transition To Local Renewable Energy: 12,000 Megawatts By 2020). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Renewable Energy.

Response to Appendix 18 (Solar Means Business: Top Commercial Solar Customers in the U.S.). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Solar Power.

Response to Appendix 19 (Clean Power Estimator). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Solar Power.

Response to Appendix 20 (Solar, Renewable Grid Parity Reached in California – Clean Technical). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Solar Power.

Response to Appendix 21 (Solar energy measurement - message board). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Solar Power.

Response to Appendix 22 (Case study Orange County Convention Center Orlando, Florida). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Solar Power.

Response to Appendix 23 (Cost of electricity by source From Wikipedia, the free encyclopedia). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the cost of electricity.

Response to Appendix 24 (Understanding the Cost of Power Interruptions to U.S. Electricity Consumers). The appendix was not directly referenced in the comment letter. It is assumed that the appendix is intended to provide additional information related to the cost of electricity.

Response to Appendix 25 (U.S. Energy Information Administration - FAQ: How much electricity does an American home use?). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the average home's electricity use.

Response to Appendix 26 (Decision Revising Feed-In Tariff Program, Implementing Amendments to Public Utilities Code). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the feed-in tariff program.

Response to Appendix 27 (Moreno Valley Utility Electric Rates). The appendix provides electric rates for the comparison calculation of annual cost of electric power, Chart "Solar Energy Per Year." The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the cost of solar energy.

Response to Appendix 28 (Moreno Valley Resident Services: MV Utilities). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the background of Moreno Valley Electric Utility.

Response to Appendix 29. It is assumed the appendix is intended to provide additional information related to the service area of Moreno Valley Electric Utility.

Response to Appendix 30. The commenter provided the City of Moreno Valley Energy Efficiency and Climate Action Strategy. This was incorporated into the analysis of WLC project impacts in DEIR Section 4.7 (DEIR pages 4.7-25, 4.7-41, 4.7-42).

Response to Appendix 31 (International District Energy Association-Combined Heat and Power: Essential for a Cost Effective Clean Energy Standard). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended as a source for information in the District Heating and Cooling section.

Response to Appendix 32 (International District Energy Association-Community Energy: Planning, Development and Delivery). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to community energy efficiency planning.

Response to Appendix 33 (District heating From Wikipedia, the free encyclopedia). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to district heating systems.

Response to Appendix 34 (Vancouver Green Capital - Neighborhood Energy Utility). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide an example of a city already implementing renewable, innovative and adaptable energy solutions.

Response to Appendix 35 (City of Boise - Geothermal Heating District). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide an example of a city using geothermal heating rather than grid power.

Response to Appendix 36 (The University of Texas at Austin - A Study in the Benefits of Efficiency Improvements to Emissions and Fuel Costs). The appendix provides the graphic

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

"Combined Heat and Power Plant" and information about the University of Texas's efficiency measures.

Response to Appendix 37 (The University of Texas at Austin - Power Plant and Chilling Stations). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide an example of energy efficiency measures being taken at the University of Texas at Austin.

Response to Appendix 38 (District Energy St. Paul - Combined Heat and Power). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to combined heat and power (CHP).

Response to Appendix 39 (District Energy St. Paul - Solar Thermal). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to solar thermal integration into district heating.

Response to Appendix 40 (District Energy St. Paul - Thermal Storage). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to thermal storage.

Response to Appendix 41 (District Energy St. Paul - District Heating). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to district heating systems.

Response to Appendix 42 (District Energy St. Paul - District Cooling). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to district cooling.

Response to Appendix 43 (District Energy St. Paul – Customers). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information about companies giving customers a choice in energy supply.

Response to Appendix 44 (District Energy St. Paul – History). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information about the history of District Energy St. Paul.

Response to Appendix 45 (Central Solar Hot Water Systems Design Guide). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to hot water systems design.

Response to Appendix 46 (“Potential for Combined Heat and Power and District Heating and Cooling from Waste-to-Energy Facilities in the U.S. – Learning from the Danish Experience”). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to combined heat and power (CHP) and heating and cooling from waste-to-energy facilities.

Response to Appendix 47 (U.S. Department of Energy International District Energy Association - District Energy, CHP First Order Screening Tool). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to district energy, CHP first order screening tool.

Response to Appendix 48 (Oak Ridge National Laboratory: Combined Heat and Power - Effective Energy Solutions for a Sustainable Future). The appendix was not directly referenced in

the comment letter. It is assumed the appendix is intended to provide additional information related to combined heat and power (CHP).

Response to Appendix 49. The commenter provided a letter from the California Air Resources Board to the California State Assembly regarding combined heat and power facilities. Please refer to Response to Comment F-3-21 regarding this issue.

Response to Appendix 50. The commenter provided California Energy Commission, The Carbon Dioxide Abatement Potential of California's Mid-Sized Commercial Buildings (www.energy.ca.gov/2010publications/CEC-500-2010-050/CEC-500-2010-050.pdf). The article is regarding medium-sized commercial buildings, while this project consists of large warehouses, therefore the information in this article does not apply to the WLC project.

Response to Appendix 51 (ICF International, Inc. Combined Heat and Power: Policy Analysis 2011-2030 Market Assessment). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to combined heat and power (CHP) systems in California.

Response to Appendix 52 (Case Study: U.S. Marine Corps Air Ground Combat Center Twentynine Palms, California). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to energy and facility upgrades with lasting energy efficiencies.

Response to Appendix 53 (Case Study: Whitehall/Coplay School District Whitehall, Pennsylvania). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to energy and facility upgrades with lasting energy efficiencies.

Response to Appendix 54 (Geothermal Heat Pump From Wikipedia, the free encyclopedia). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide background information related to geothermal heat pumps.

Response to Appendix 55 (U.S. Department of Energy - Geothermal Technologies Office). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide background information related to geothermal technologies.

Response to Appendix 56 (U.S. Department of Energy - Guide to Geothermal Heat Pumps). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide background information related to geothermal heat pumps.

Response to Appendix 57 (FEMP's Geothermal Heat Pump Program). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to geothermal heat pump programs.

Response to Appendix 58 (Office of Geothermal Technologies - Geothermal Heat Pumps for Medium and Large Buildings). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to geothermal heat pumps.

Response to Appendix 59 (Commercial Geothermal Heat Pumps). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to geothermal heat pumps.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Appendix 60. The commenter provided an article regarding the first DHL carbon neutral warehouse in the United Kingdom. The warehouse uses a ground source heat pump for heating and cooling and motion sensors for electric lighting systems. The warehouse switched to a green energy tariff. The United Kingdom has different energy standards and electricity generation facilities than Southern California. The project will be incorporating onsite and will meet LEED certified standards (MM 4.16.4.6.1C).

Response to Appendix 61 (ICLEI: City Planners' Energy Action Resource Guide - Greenhouse Gas Reduction Measures for New Development). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to energy efficiency in community design.

Response to Appendix 62 (Department of Energy - Estimating the Cost and Energy Efficiency of A Solar Water Heater). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to cost and energy efficiency of a solar water heater.

Response to Appendix 63 (Solar Water Heating From Wikipedia, the free encyclopedia). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to solar water heating.

Response to Appendix 64 (Energy Efficiency and Renewable Energy - Solar Water Heating). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to solar water heating.

Response to Appendix 65 (White Paper: Solar Thermal Energy: The Time Has Come). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to solar thermal energy.

Response to Appendix 66 (U.S. Department of Energy - Building Technologies Office). The appendix provides information about LEDs and specifications for parking lots referenced in Section 13. Lighting and Energy Efficiency. The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to LEDs and energy consumption.

Response to Appendix 67 (Product Snapshot: LED Replacement Lamps). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to LED lamps.

Response to Appendix 68 (My LED Lighting Guide). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to LED lamps.

Response to Appendix 69 (California Energy Commission - Local Ordinances Exceeding 2008 Building Energy Efficiency Standards). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to local ordinances exceeding building energy efficiency standards.

Response to Appendix 70 (City of Malibu Local Energy Efficiency Standards). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Malibu's building energy efficiency standards.

Response to Appendix 71 (Santa Monica Municipal Code - Green Building Standards Code). The appendix was not directly referenced in the comment letter. It is assumed the appendix is

intended to provide additional information related to Santa Monica's building energy efficiency standards.

Response to Appendix 72. The commenter provided the City of Mountain View's application to the California Energy Commission for Green Building Standards Code Local Amendments. This application was not directly referenced in the commenter's letter, so it is unclear why the material was provided, however, MM 4.16.4.6.1C in Section 4.16 of the DEIR requires the project to exceed Title 24 standards by 10 percent.

Response to Appendix 73. The commenter provided a City of Healdsburg ordinance, which adopts Title 24 California Code of Regulations, "2010 California Green Building Standards Code." The comment letter did not discuss why this reference was provided. As discussed in the DEIR (Table 4.7.J, page 4.7-36), the project would be required to comply with all existing requirements, including the California Green Building Standards Code, and MM 4.16.4.6.1C in Section 4.16 of the DEIR requires the project to exceed Title 24 standards by 10 percent.

Response to Appendix 74 (Galvin Electricity Initiative - What are Smart Microgrids?). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to microgrids.

Response to Appendix 75 (Galvin Electricity Initiative - Understanding Microgrids). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to microgrids.

Response to Appendix 76 (Galvin Electricity Initiative - The Value of Smart Distribution and Microgrids). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to microgrids.

Response to Appendix 77 (Southern California Association of Governments, Regional Transportation Plan, Goods Movement Appendix (2012)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide support to the comment that Port-related truck activity is expected to increase in the future.

Response to Appendix 78 (SCAG, Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities (Task 5 Report) (Jul. 2010)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide support to the comment that "warehousing in western Riverside County will increasingly serve the ports of Los Angeles and Long Beach."

Response to Appendix 79 (Chapter 7 – Heavy Duty Truck Model from SCAG 2008 Regional Model: SCAG Regional Travel Demand Model and 2008 Model Validation). The appendix was mentioned in the comment letter when stating that the EIR "should evaluate the potential cumulative impact of increased heavy-duty truck traffic from the ports."

Response to Appendix 80 (A presentation on the Southern California Association of Governments, Southern California Region Heavy Duty Truck Model). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide support to the comment stating that the EIR "should evaluate the potential cumulative impact of increased heavy-duty truck traffic from the ports."

Response to Appendix 81 (Southern California Association of Governments, On the Move: Southern California Delivers the Goods (Dec. 2012)). The appendix was not directly referenced in

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

the comment letter. It is assumed the appendix is intended to provide support to the comments relating to goods movement in the Southern California region.

Response to Appendix 82 (Wikipedia, Transportation Forecasting). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide support to the comments relating to travel demand forecasting.

Response to Appendix 83. The commenter did not indicate what the purpose was of including this document as an appendix to its comment letter. While the City will not overly speculate on its purpose, it appears to suggest a methodology for estimating indirect effects of growth since it is entitled “Guidance for Preparers of Growth-Related, Indirect Impact Analyses” produced by FHWA, US EPA, and Caltrans. However, the introduction of Section 2 in this report clearly states “This guidance refers to a specific type of indirect effect—the effects of growth that can be linked to the development of a Caltrans’ transportation project.” Therefore, this information is not relevant to a large logistics warehouse project such as WLC and will not be investigated further.

Response to Appendix 84 (Delivering Tomorrow Towards Sustainable Logistics by Deutsche Post DHL). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to sustainable logistics.

Response to Appendix 85 (UPS: Shipping Green by Environmental Defense Fund). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to improve the environmental characteristics of the company’s express packaging.

Response to Appendix 86. The commenter did not indicate what the purpose was of including this document as an appendix to their comment letter. While the City will not overly speculate on its purpose, it appears to suggest ways that logistics shipping can be made more efficient. It was prepared by the Environmental Defense Fund and does not appear to have had any direct industry input or review. While this information may be of general relevance to the logistics industry as a whole, the commenter has made no effort to connect it to a logistics warehouse project such as WLC. Therefore, this information will not be investigated further.

Response to Appendix 87 (How To Stay Clean In A Dirty World: A Vision For A Smarter, Healthier Supply Chain by Environmental Defense Fund). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Improving Supply Chain Efficiency And Sustainability.

Response to Appendix 88 (Dablanc, L. & Rakotonarivo, D., The Impacts of Logistics Sprawl: How Does the Location of Parcel Transport Terminals Affect the Energy Efficiency of Goods’ Movements in Paris and What Can We Do About It? (2010)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the environmental impact of goods movements related to warehousing.

Response to Appendix 89 (Riverside County Transportation Commission, Draft Environmental Impact Report Perris Valley Line (Apr. 2010)). The appendix was mentioned in the comment letter when discussing the mitigation of transportation impacts. Facts from the Perris Valley Line study were included in the comment letter, such as: “the diversion from private car use to rail will reduce VMT by approximately 34 million miles per year reducing GHG emissions in the region.”

Response to Appendix 90 (Texas A&M Transportation Institute, TTI’s 2012 Urban Mobility Report (Dec. 2012)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to general changes in levels of truck congestion.

Response to Appendix 91 (Texas A&M Transportation Institute, Carpooling). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the comment that a “Mello-Roos district should be established for the project to fund the design and operation of an on-going transportation management district and a commuter benefits program to serve the project’s transportation demand.”

Response to Appendix 92 (Texas A&M Transportation Institute, Vanpool). Same comment as Appendix 91.

Response to Appendix 93 (Texas A&M Transportation Institute, Real-Time Ride Sharing). Same comment as Appendix 91.

Response to Appendix 94 (Federal Highway Administration, Mitigating Traffic Congestion: The Role of Demand-Side Strategies). Same comment as Appendix 91.

Response to Appendix 95 (City and County of San Francisco, Memo to Planning Commission: Information Presentation on the Transportation Sustainability Program (Jan. 2012)). Same comment as Appendix 91.

Response to Appendix 96 (City and County of San Francisco, San Francisco Transportation Sustainability Fee Nexus Study (Mar. 2012)). Same comment as Appendix 91.

Response to Appendix 97 (California Air Resources Board, ARB 1998 Criteria and Guidelines for the Use of Motor Vehicle Registration Fees: Design of Successfully Demonstrated Projects: Design of Successfully Demonstrated Projects). Same comment as Appendix 91.

Response to Appendix 98 (City of Riverside, Riverside Go Transit Program Guidelines). Same comment as Appendix 91.

Response to Appendix 99 (City of Riverside, Riverside Go Transit Frequently Asked Questions). Same comment as Appendix 91.

Response to Appendix 100 (Riverside Transit Agency, RTA Awarded \$2.4 Million in Federal Grant). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the comment that RTA has “numerous transit routes serving the area” and that the compressed natural gas buses intended to be purchased with the grant mentioned in the appendix would help to reduce GHG emissions in the region.

Response to Appendix 101 (Riverside Transit Agency, System Map). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the comment that the Project “should subsidize transit fees, promote transit ridership, insure adequate transit service, and improve transit intermodal connections so as to increase transit ridership and reduce impacts to transportation system, air quality, energy, and GHG emissions.”

Response to Appendix 102 (Texas A&M Transportation Institute, Express Bus Service). Same comment as Appendix 91.

Response to Appendix 103 (Victoria Transport Policy Institute, Transit Station Improvements). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the comment that the Project could further reduce impacts by implementing a transit oriented development design.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Appendix 104 (Victoria Transport Policy Institute, Trip Reduction Tables). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the comment that the Project should subsidize transit fees.

Response to Appendix 105 (U.S. DOT. Public Transportation’s Role in Responding to Climate Change (January, 2010)). Same comment as Appendix 101.

Response to Appendix 106 (Google, Maps of Freeway Segments). The appendix was not referenced in the comment letter. We have reviewed the maps and provided similar maps in the FEIR Volume 2 Appendix L-1.

Response to Appendix 107 (Riverside Transit Agency, Short Range Transit Plan (May, 2012)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the comment that RTA has “numerous transit routes serving the area” and that the project should subsidize transit fees. The appendix could also be provided to support the request that the City of Moreno Valley and the RTA operate a transportation management district for the project.

Response to Appendix 108 (Riverside County Transportation Commission, Strategic Analysis of Express Bus Service for Western Riverside County (2011)). Same comment as Appendix 91.

Response to Appendix 109. The commenter provided *Moving Cooler, an Analysis of Transportation Strategies for Reducing Greenhouse Gas Emissions*. The comment letter did not discuss why this reference was provided. The DEIR and FEIR considered options to reduce greenhouse gas emissions and many are included as project design features and mitigation measures (see Master Response-1).

Response to Appendix 110 (City of Seattle, Best Practices in Transportation Demand Management). Same comment as Appendix 91.

Response to Appendix 111 (Texas A&M Transportation Institute, Transportation Management Associations). Same comment as Appendix 91.

Response to Appendix 112 (Online TDM Encyclopedia - TDM Marketing). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related Transportation Demand Management.

Response to Appendix 113 (Victoria Transport Policy Institute, Transport Management Associations). Same comment as Appendix 91.

Response to Appendix 114 (Montgomery County Code, Article II, Sections 42A). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Montgomery County's ridesharing and transportation management code.

Response to Appendix 115 (Victoria Transport Institute, Transit-Oriented Development). Same comment as Appendix 103.

Response to Appendix 116 (Caltrans. Transit-Oriented Development Compendium (June, 2005)). Same comment as Appendix 103.

Response to Appendix 117 (Caltrans. Transit-Oriented Development Compendium (June, 2005)). Same comment as Appendix 103.

Response to Appendix 118 (Western Riverside Council of Governments, Transportation Uniform Mitigation Fee: Fee Calculation Handbook (2012)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the comments that the “TUMF mitigation does not account for the additional trips generated by the project being disproportionately truck trips which require considerably more infrastructure investment due to their greater traffic congestion impacts.”

Response to Appendix 119 (Western Riverside Council of Governments, Transportation Uniform Mitigation Fee Nexus Study Final Report (2009)). Same comment as Appendix 118.

Response to Appendix 120 (Al-Kaisy, A. & Jung, Y., Examining the Effect of Heavy Vehicles During Congestion Using Passenger Car Equivalents). Same comment as Appendix 118.

Response to Appendix 121 (City of San Jose, Envision San Jose 2040, Transportation Analysis (2011)). The appendices are not referenced in the comment letter. The appendices are transportation sections of EIRs, with two of the PDFs being over a hundred pages. It is not clear what is unique about the included transportation sections of the EIR and how it relates to the WLC EIR.

Response to Appendix 122 (Southern California Association of Governments, 2012-2035 RTP/SCS Draft Program EIR, Transportation, Traffic & Security (2012)). The appendices are not referenced in the comment letter. The appendices are transportation sections of EIRs, with two of the PDFs being over a hundred pages. It is not clear what is unique about the included transportation sections of the EIRs and how it relates to the WLC EIR.

Response to Appendix 123 (Tahoe Regional Planning Agency, Homewood Mountain Resort Ski Area Master Plan EIR/EIS, Transportation, Parking and Circulation (2011)). The appendices are not referenced in the comment letter. The appendices are transportation sections of EIRs, with two of the PDFs being over a hundred pages. It is not clear what is unique about the included transportation section of the EIR and how it relates to the WLC EIR.

Response to Appendix 124. The commenter provided the Southern California Association of Governments 2012-2035 Regional Transportation Plan (RTP). This document is discussed in the DEIR (Appendix D, pages 229-231). The FEIR also contains an analysis of how the project is consistent with the strategies in the RTP.

Response to Appendix 125. The commenter provides an article regarding how the UPS fleet will add 100 electric delivery vehicles to its fleet. The Electric Vehicles International (EVI) trucks cost about \$150,000 each and have a 75-mile range. As discussed in Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, it is not feasible to require electric trucks/vehicles for the WLC project.

Response to Appendix 126. The commenter provides an article regarding hydrogen fuel-powered forklifts at a Coca-Cola location. As discussed in the DEIR (page 3-33) and in the WLCSP (Section 12.3), the WLC project requires non-diesel forklifts during operation of the project. If the tenants find it feasible, they may implement hydrogen fueled forklifts as well.

Response to Appendix 127. The commenter provided a report by the California Governor’s Working Group on Zero-Emission Vehicles, *2013 ZEV Action Plan, a roadmap toward 1.5 million zero-emission vehicles on California roadways by 2025*. As discussed in Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, it is not feasible for the project to require zero-emission vehicles. However, MM 4.3.6.4A requires electrical charging stations at future buildings within the WLCSP.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Appendix 128 and Appendix 129. The commenter provides information regarding hydrogen fuel cell and zero emission buses, but the project would not likely have many buses. In addition, Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, indicates that it is not feasible for the project to require non-diesel trucks.

Response to Appendix 130. The commenter provides information on well to tank hydrogen fuel cells. Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, indicates that it is not feasible for the project to require non-diesel trucks.

Response to Appendix 131 through Appendix 138. The commenter provides information about hydrogen fuel stations and locations. Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, indicates that it is not feasible for the project to require non-diesel trucks.

Response to Appendix 139. The commenter provided a report regarding bringing hydrogen fuel cell electric vehicles to California. It is not feasible to require electric or hydrogen fuel cell vehicles as part of the project (refer to Master Response-3). However, MM 4.3.6.4A requires electric vehicle charging stations.

Response to Appendix 140. The commenter provided an article regarding ACE Hardware providing 65 hydrogen fuel cell power lift trucks (forklifts). The project prohibits diesel powered forklifts during operation of the project (MM 4.3.6.3B). If future tenants find it feasible to implement hydrogen fuel cell forklifts, they may do so.

Response to Appendix 141. The commenter provided a reference regarding parking management. MM 4.3.6.4A requires that the project participate in Riverside County's Rideshare Program and requires preferred parking for low-emitting, fuel-efficient, and carpool/van pool vehicles.

Response to Appendix 142. The commenter provided a report on an overview of U.S. parking management policies. MM 4.3.6.4A requires that the project participate in Riverside County's Rideshare Program and requires preferred parking for low-emitting, fuel-efficient, and carpool/van pool vehicles.

Response to Appendix 143. The commenter provided a report on parking cash out. MM 4.3.6.4A requires that the project participate in Riverside County's Rideshare Program and requires preferred parking for low-emitting, fuel-efficient, and carpool/van pool vehicles.

Response to Appendix 144. The commenter provided draft text of Senate Bill No. 582 which was vetoed by the Governor on August 1, 2011. Consideration of Governor's veto stricken from file on February 2, 2012. The comment letter did not discuss why this reference was provided.

Response to Appendix 145. The commenter provided information on California's parking cash-out program. MM 4.3.6.4A requires that the project participate in Riverside County's Rideshare Program and requires preferred parking for low-emitting, fuel-efficient, and carpool/van pool vehicles.

Response to Appendix 146. The commenter provided a definition on shared parking, a parking management strategy. MM 4.3.6.4A requires that the project participate in Riverside County's Rideshare Program and requires preferred parking for low-emitting, fuel-efficient, and carpool/van pool vehicles.

Response to Appendix 147. The commenter provided information on commuter financial incentives. MM 4.3.6.4A requires that the project's tenants participate in Riverside County's Rideshare Program, which encourages alternative forms of transportation.

Response to Appendix 148. The commenter provided information on parking management. MM 4.3.6.4A requires that the project participate in Riverside County's Rideshare Program and requires preferred parking for low-emitting, fuel-efficient, and carpool/van pool vehicles.

Response to Appendix 149 (Voluntary Interindustry Commerce Solutions, VICS Collaboration Zone: Frequently Asked Questions). The appendix was indirectly referenced in the comment letter in the Co-Loading and Back-Hauling section. The appendix provides additional information on the VCIS Empty Miles program.

Response to Appendix 150 (Voluntary Interindustry Commerce Solutions, VICS Empty Miles). Same comment as Appendix 149.

Response to Appendix 151 (GS1 US, National Retail Systems: Doing What's Good for Clients). Same comment as Appendix 149.

Response to Appendix 152 through Appendix 154. The commenter provided information on SmartWay. Please refer to Response to Comment F-3-17.

Response to Appendix 155 (U.S. EPA, Overview of Carrier Strategies). Same comment as Appendix 152.

Response to Appendix 156 (U.S. EPA, Ship Smarter - You and the Environment Both Win (June 2007)). Same comment as Appendix 152.

Response to Appendix 157 (U.S. EPA, Shipper Partner 2.0.11 Tool: Technical Documentation 2011 Data Year - United States Version). Same comment as Appendix 152.

Response to Appendix 158 (Moreno Valley General Plan Final Program EIR - 5.8 Agricultural Resources). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide Moreno Valley's original General Plan's EIR agricultural resources section.

Response to Appendix 159 (California Farmland Conservancy Program Funded Easements, 1997 to 2012). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to California farmland easements from 1997 to 2012.

Response to Appendix 160 (Riverside County Agricultural Production Report 2011). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Riverside County's agricultural production.

Response to Appendix 161 (Riverside County Important Farmland 2010 (Sheet 1 of 3)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the farmland distribution in Riverside County.

Response to Appendix 162 (Riverside County Important Farmland 2010 (Sheet 2 of 3)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the farmland distribution in Riverside County.

Response to Appendix 163 (Riverside County Important Farmland 2010 (Sheet 3 of 3)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the farmland distribution in Riverside County.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Appendix 164 (Riverside County 2008-2010 Land Use Conversion). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Riverside County's land use conversion from 2008 to 2010.

Response to Appendix 165 (Riverside Land Conservancy). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Riverside Land Conservancy.

Response to Appendix 166. The commenter did not indicate what the purpose was of including this document as an appendix to their comment letter. While the City will not overly speculate on its purpose, it is a resolution by the City of Perris approving a FEIR and Statement of Overriding Considerations for the Perris Marketplace project. The commenter has made no effort to explain a connection between this document and the proposed WLC project, and it is from another jurisdiction. Therefore, this information will not be investigated further.

Response to Appendix 167 (American Farmland Trust - California Agricultural Land Loss & Conservation: The Basic Facts). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to agricultural land use in California.

Response to Appendix 168 (Letter from the Department of Conservation - Division of Land Resource Protection to City of Perris Planning Department). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the DEIR for Perris Valley Commerce Center from the Division of Land Resource Protection.

Response to Appendix 169 (Surrounding City Maps showing rail transit lines). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to local rail lines.

Response to Appendix 170. The April 8, 2013 Letter F-3 from the California Clean Energy Commission discusses the need for energy conservation and the use of clean energy, and includes an attachment not cited in the Letter's text that is entitled "*Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities.*" This study, which was prepared by the Southern California Association of Governments ("SCAG"), was not discussed in the Letter, so it is unclear why it was attached. However, in summary, this study supports the need for more warehousing space. The study's Executive Summary states the following:

- "According to assumed growth rates, the region will run out of suitably zoned vacant land in about the year 2028. At that time, forecasts show that the demand for warehousing space will be approximately 1,023 million square feet.
- During the year 2035, there will be a **projected shortfall of space of about 228 million square feet**, unless other land not currently zoned for warehousing becomes available."

The WLC will contribute to the supply of warehouse space necessary to satisfy a portion of this demand. This SCAG Report supports other data presented by David Tausig and Associates (DTA) in its responses to DEIR comments that there will be more than sufficient demand to support the WLC.

Response to Appendix 171 (Sperry, B., Comparing Methodologies to Estimate Internal Trip Capture at Mixed-Use Developments). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the comments on mixed-use design.

Response to Appendix 172 (Bochner, B. & Sperry, B., Internal Trip Capture Estimator for Mixed-Use Developments (Feb. 2010)). Same comment as Appendix 171.

Response to Appendix 173 (Nelson/Nygaard Consulting. Crediting Low-Traffic Developments: Adjusting Site-Level Vehicle Trip Generation Using URBEMIS (Aug. 2005)). Same comment as Appendix 171.

Response to Appendix 174 (BNSF, BNSF California Operating Division). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the comments on freight rail, specifically that the Project should develop freight facilities along nearby freight lines, such as the San Jacinto Branch Line.

Response to Appendix 175 (The Environmental Benefits of Moving Freight by Rail by the Association of American Railroads). The appendix was not directly referenced in the comment letter. It is assumed that the appendix is intended to provide additional information related to environmental advantages of moving freight by rail. However, Response F-3-5 explains why rail service to the project site is not feasible and would produce its own environmental impacts.

Response to Appendix 176 (Freight Railroads Help Reduce Greenhouse Gas Emissions). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to freight rail environmental significance.

Response to Appendix 177 (Riverside County Transportation Commission, San Jacinto Branchline/I-215 Corridor Study (2004)). Same comment as Appendix 174.

Response to Appendix 176. The commenter provides a reference, *Freight Railroads Help Reduce Greenhouse Gas Emissions*. An additional section (Chapter 4, Section F) has been included in the TIA that analyzes the potential for serving project trips by rail. That analysis shows that rail service to the project site is not viable due to a range of physical and economic factors, including high fixed costs, onsite topographic constraints, secondary impacts on the community, terrain, and capacity constraints within the rail system.

Response to Appendix 179 (Sperry, B., Comparing Methodologies to Estimate Internal Trip Capture at Mixed-Use Developments). Same comment as Appendix 174.

Response to Appendix 180 (Nelson/Nygaard Consulting. Crediting Low-Traffic Developments: Adjusting Site-Level Vehicle Trip Generation Using URBEMIS (Aug. 2005)). Same comment as Appendix 171.

Response to Appendix 181 (Institute of Transportation Engineers, Trip Generation Handbook, Chpt. 7 (2001)). Same comment as Appendix 171.

Response to Appendix 182 (City of Moreno Valley, Moreno Valley General Plan: Circulation Element). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the Moreno Valley transportation-related comments. The appendix was reviewed and is reflected in the analysis of in the revised TIA and Section 4.15 of the FEIR Volume 2.

Response to Appendix 183 (City of Moreno Valley, General Plan Final Environmental Impact Report: 5.2 Traffic/Circulation (Oct. 2006)). Same response as Appendix 182.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Appendix 184. The commenter provided ARB's Climate Change Scoping Plan. This reference was included and discussed in the DEIR (pages 4.7-17, 4.7-23, and 4.7-38-4.7-40).

Response to Appendix 185. The commenter provided the Office of Planning and Research technical advisory, CEQA and Climate Change. This document was referenced in the DEIR (page 4.7-26).

Response to Appendix 186. The commenter provided a report regarding technologies and policies to consider for reducing greenhouse gas emissions in California. The commenter did not indicate why this reference was included. The project is incorporating mitigation measures and project design features to reduce project emissions of greenhouse gases.

Response to Appendix 187. The commenter provided the text of California's Executive Order S-3-05. It is unknown why the commenter included this reference. This reference is discussed in the DEIR (page 4.7-17).

Letter F-4: California Outdoor Heritage Alliance (April 8, 2013)

Letter F-4

April 8, 2013

Mr. John Terell
City of San Moreno
Community & Economic Development Department
14177 Frederick Street
Post Office Box 88005
Moreno Valley, CA 92553

Re: World Logistic Center - DEIR

Dear Mr. Terell,

The California Outdoor Heritage Alliance (COHA) – an organization representing the interests of over 50 organizations and entities dedicated to the promotion of wildlife conservation – has serious concerns regarding the Draft Environmental Impact Report (DEIR) prepared to evaluate the environmental impacts associated with the proposed World Logistics Center Project (“project”) in Rancho Belago in the eastern portion of the City of Moreno Valley.

California once boasted over 5 million acres of naturally occurring wetland habitats. Today – largely due to development, flood control and other projects – over 90% of these critical habitats have been destroyed, resulting in significant impacts on all wetland-dependent species. In fact, as a direct result of the substantial loss of this important habitat type, roughly 50% of our state’s threatened and endangered species are, in some way, wetland-dependent. Due to the significant changes in California’s natural hydrology, our remaining interior wetlands must now be artificially irrigated and intensely managed – at a significant cost to the landowner – to recreate seasonal wetland habitat for these special status species.

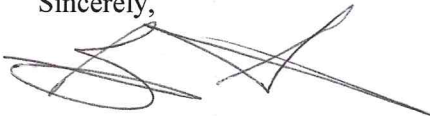
This proposed project covers 3,918 acres – including 3,814 acres of land which is the subject of various entitlements, and an additional 104 acres of land affected by off-site improvements needed to support the proposed development. Any development of this substantial size would have serious environmental impacts. However, in this case, the proposed project area is located in one of the most environmentally important and sensitive wetland habitat complexes remaining in California. The project’s environmental impacts to our already severely impacted wetland base and wetland-dependent species would be significant and unacceptable without substantial appropriate mitigation measures. Specifically, in the case of this gigantic project, as just one example, the DEIR woefully understates the project’s impacts on waterbirds and other species on the Department of Fish and Wildlife’s (DFW) San Jacinto Wildlife Area (SJWA) and adjacent privately owned and managed wetland habitats. It follows that the mitigation measures proposed, including requiring a minimum 250-foot setback from environmentally sensitive areas, are substantially inadequate and unacceptable.

Making matters worse, the DEIR incorrectly designates an area adjacent to the SJWA and part of the World Logistic Center project as a “conservation buffer”. However, the area described within this

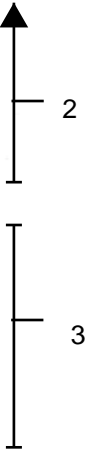
“conservation buffer” is owned and maintained by DFW as part of their SJWA. This area was acquired by the Wildlife Conservation Board over a decade ago for addition to the SJWA for endangered and threatened species habitat and associated wildlife conservation efforts in the county of Riverside. Designating this area as a “conservation buffer” and mitigation in the DEIR is not only incorrect, it is inappropriate and misleading.

On behalf of the general public of California, and the natural resources of our state that they hold in public trust, DFW, the Wildlife Conservation Board and others have invested over \$100 million in the SJWA and surrounding unique habitats that would be unacceptably impacted by this project. As a result of the location, substantial size, inadequate analyses of wildlife impacts and the overly insufficient mitigation offered within the DEIR, our organization has no choice but to take serious issue with the document and strongly urge it be wholly rejected by the City of Moreno

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Gaines', with a large, sweeping flourish extending to the right.

Bill Gaines, President



RESPONSES TO LETTER F-4
California Outdoor Heritage Alliance

Response to Comment F-4-1. The City acknowledges this organization has an interest in wildlife conservation.

Response to Comment F-4-2. Both the Draft Habitat Assessment and (Western Riverside County) Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis (FCS-MBA 2013, FEIR Volume 2, Appendix E-1) (hereafter MSHCP Consistency Analysis) and Section 4.4 of the Draft Environmental Impact Report (DEIR) adequately assess all impacts to biology. The statement that 3,918 acres would be impacted by the World Logistics Center Specific Plan (WLCSP) is incorrect. Approximately 2,610 acres are a part of the WLCSP, with another 1,104 acres analyzed as a part of a General Plan Amendment to further protect these acres within the San Jacinto Wildlife Area (SJWA) by changing the zoning to open space.

Since there are no wetlands on any of the analyzed areas, (5,970 acres were included in the WLCSP study area) the potential impacts to wetland and wetland-based species is not likely to occur. The northern portions of the SJWA identified as the California Department of Fish and Wildlife (CDFW) Conservation Buffer Area in the DEIR and MSHCP Consistency Analysis (FCS-MBA 2013 FEIR Volume 2, Appendix E-1) document was purchased by the state to serve as a buffer between the SJWA and future development areas to the north and to protect resources associated with the wetland areas. This project does nothing to jeopardize this and in fact by providing the appropriate zoning (Open Space) for the CDFW property further protects the resources. The 250-foot buffer at the southern edge of the WLCSP is intended to reduce indirect impacts associated with the Urban/Wildlands Interface sections of the MSHCP and appropriately reduces impacts from light, noise, toxics, and water pollution/sedimentation.

Repeated biological surveys of the area only identified six sensitive species within the WLCSP or in the SJWA within the CDFW Conservation Buffer Area. All six of these species are either California species of concern or California fully protected species. The loss of low quality foraging habitat for avian species not listed as federally or state threatened or endangered species is not a significant impact. However, impacts to a fully protected species is considered a significant impact.

The MSHCP anticipated the loss of habitat in lands not originally slated for conservation through the use of Criteria Cells. The funds provided through the MSHCP mitigation fees can be used by the Regional Conservation Authority to purchase lands slated for conservation within these Criteria Cells that will contribute to the overall conservation of large areas of high quality habitat. All six of the sensitive species identified within the WLCSP and adjacent SJWA are all covered under the MSHCP and payment of the fee will reduce impacts to a less than significant level.

With regard to the comment on reference to the CDFW Conservation Buffer Area, it is a defined term in DEIR Section 4.3.1:

The term “CDFW buffer area” is not a CDFW term. It is a term used by the consulting biologist to identify the 910-acre portion of the project area owned by the state that is being rezoned to “open space.” It is CDFW land and it was acquired as a buffer (and for other reasons as well). Calling it the CDFW buffer is not inaccurate or misleading.

The General Plan Amendment provides for the designation of the CDFW and portions of the San Diego Gas and Electric (SDG&E) lands as open space. If impacted, the CDFW Conservation Buffer Area would have a greater potential impact on species of the region, due to the distance from the high-quality habitat of the SJWA. The WLC project does not “take credit” for re-zoning this area as open space. The current General Plan and zoning for the property is a mix of residential, public, and

open space designations that need to be revised since those uses are no longer planned and will never be developed.

The May 18, 2001 Wildlife Conservation Board Agenda (page 43) recommended that 5 separate parcels totaling approximately 1,000 acres (910 acres of which were part of the Moreno Highland Specific Plan) be purchased as expansions of the California Department of Fish and Game's San Jacinto Wildlife Area.

"Acquisitions of the proposed expansions will allow for the 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 DFG has identified the subject properties as being 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 of the area as they will serve as a buffer from development north of the WLA and add significant wildlife benefits to the WLA. It is anticipated that the addition of these properties will enhance public recreational opportunities, as the upland habitat and wetland areas are restored."

The "CDFW Conservation Buffer Area" was incorporated into the San Jacinto Wildlife Area following the sale of the subject lands to the State in 2001. As stated previously, the "CDFW Conservation Buffer Area has been incorrectly zoned for more than 12 years. The proposed General Plan Amendment corrects the designation of this land to Open Space.

These lands, while a part of the SJWA are currently used by CDFW for agricultural use and generally consists of disked fields with winter grain crops, planted and harvested yearly. Development of the WLCSP will have no direct impact on the CDFW Conservation Buffer Area. A buffer of 400 feet has been provided in the Specific Plan between the conservation area and the warehouse buildings. The 250 foot buffer would exclude buildings but would allow for roads, landscaping, and drainage facilities. The commenter is referred to Mitigation Measures (MMs) 4.4.6.1A through 4.4.6.1B and 4.4.6.4F for details regarding the buffer to be established between the WLCSP and the SJWA, and also to Draft EIR Section 4.4.1.18, *Other Issues – Setbacks*, that explains why 250 feet is appropriate for this project buffer.

The lands within the CDFW Conservation Buffer Area are further protected by the MSHCP by being included within a series of Criteria Cells (1364, 1370, 1377, 1386, 1389, 1390, 1483, 1482, 1477, and 1577). Under the MSHCP, each Criteria Cell has a specific conservation goal. In addition to the Criteria Cell protections, the land within the CDFW is also considered Public/Quasi Public Lands according to the MSHCP. Lands designated as Public/Quasi Public Lands are typically lands that are set aside by Cities and/or Counties as conservation areas and are typically part of Core Conservation Areas or Proposed Core Conservation Areas. Sections of the DEIR correctly spell out measures associated with the requirements of Section 6.1.4 of the MSHCP on the Urban/Wildlands Interface to protect adjacent resources. These include, light, noise, toxics, and water quality. Project design features and mitigation measures have been incorporated into the Specific Plan and CEQA document to protect the resources associated with the CDFW Conservation Buffer Area and the SJWA and are included as MM 4.4.6.1A.

Response to Comment F-4-3. Section 4.4.1.11 of the DEIR went into great detail as to the history and use of the conservation area between the WLC project and the SJWA and Mystic Lake. The term CDFW Conservation Buffer Area is a term that is used to identify the 910-acre parcel owned by the State adjacent and south the WLC site (refer to DEIR page 3-19). Regardless of what this area is called, it was originally part of the Moreno Highlands Specific Plan property and was acquired by the state (refer to Response to Comment F-4-2) at least in part to act as a buffer between the SJWA/Mystic Lake area and future suburban development within the City (i.e., the currently proposed WLCSP). It is currently being dry farmed just like the adjacent WLCSP property. The DEIR does not indicate the WLC project is "taking credit" or is otherwise accounting for this "buffer" area in an

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

inappropriate way. In fact, the WLCSP and DEIR establish a new 400-foot buffer between the northern boundary of CDFW conservation land and any new warehouse buildings within the WLCSP.

Letter F-5: Inland Empire Waterkeeper (April 8, 2013)



Inland Empire Waterkeeper

Advocacy • Education • Restoration • Enforcement

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April 8, 2013

City of Moreno Valley
Community and Economic Development Department
ATTN: John C. Terell, Planning Official
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

Sent via email: johnt@moval.org

Re: World Logistics Center Project, Draft Environmental Impact Report, State Clearinghouse No. 2012021045.

Dear Mr. John C. Terell,

Inland Empire Waterkeeper (Waterkeeper) is a non-profit environmental organization dedicated to advocacy, education, restoration and enforcement in the Santa Ana River Watershed. Waterkeepers' members use and enjoy the unique waterways of the Inland Empire and rely on our region's surface and groundwater on an everyday basis. We write on behalf of our collective membership to express our concerns with the World Logistics Center Project Draft Environmental Impact Report, released on February 4, 2013 (DEIR). Waterkeeper participated in the scoping process, and submitted written comments on March 7, 2012 regarding the Notice of Preparation of the Draft Environmental Impact Report for the World Logistics Center Specific Plan. Waterkeeper supports responsible development and seeks to ensure that the World Logistics Center (WLC) goes forward in a manner that is both economically viable and environmentally responsible.

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Waterkeeper has reviewed the DEIR in its entirety, but we have largely confined our comments to the Hydrology and Water Quality Section of the DEIR, Section 4.9, and Appendix J, the Project Specific Water Quality Management Plan required by Riverside County. However, we comment on other sections of the DEIR when relevant to the analysis of water quality impacts.

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The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of a project might be minimized; and to indicate alternatives to such a project.¹ With this in mind, the primary focus of this letter is to assess whether direct and indirect impacts to water resources are adequately addressed and analyzed, the project is consistent with the applicable Water Quality Management Plan, R8-2010-0033, October

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¹ CA Pub. Res. Code § 2106.

22, 2012; and Riverside County Flood Control and Water Conservation District's Design Handbook for Low Impact Development, Best Management Practices, and that the proposed mitigation is adequate to compensate for project impacts.

Waterkeeper finds that the DEIR is deficient because it is overly speculative regarding the project's effect on groundwater recharge; does not describe treatment and control methods for surface water runoff in sufficient detail; and fails to adequately address cumulative impacts to the San Jacinto Wildlife Area.

I. The Project Area.

The proposed WLC project covers 3,918 acres in the eastern portion of the City of Moreno Valley, in northwestern Riverside County. The project site is immediately south of State Road 60, between Redlands Boulevard and Gillman Springs Road. The site slopes at approximately 2% from north to south. (DEIR, § 3.2, p. 3-1.)

Immediately south of the project site is the San Jacinto Wildlife Area, which includes the Upland Game Hunting Area, Mystic Lake, and the Lake Perris State Recreation Area." (DEIR p. 3-7.) Most of these lands are owned by various state agencies. The San Jacinto Wildlife Area is owned and operated by the California Department of Fish and Wildlife and contains approximately 20,000 acres of restored wetlands and ponds. The project's Specific Plan extends to the northern border of the San Jacinto Wildlife Area. (DEIR, § 3.2.3, pp. 3-7 - 3-11.) The San Jacinto Wildlife Area contains several habitat areas, including rare inland wetland, which provides habitat for many wetland plant and wildlife species. The San Jacinto Wildlife Area has a very high diversity and abundance of bird species, and is recognized nationally and internationally for its bird population. (DEIR, § 4.4.18, p. 4.4-15.)

Mystic Lake, which pools in a shallow depression of the San Jacinto River, is one of the last ephemeral water bodies that once covered 5 million acres of inland California, today, about 90% of all such wetlands are gone.² Mystic Lake is an important stop on the Pacific Flyway, with more than 150 species of birds visiting annually.³ At its fullest, Mystic Lake can cover more than 3,000 acres as it spills over surrounding roads and floods the ponds and reconstructed wetlands of the San Jacinto Wildlife Area.

Runoff entering the Project area originates upstream in the foothill area known as "The Badlands," as well as a small swath of moderately developed area and open space. The flows from upstream collect in natural drainage courses and flow south under State Road 60 and Gilman Springs Road, through existing drainage culverts and onto the project site.⁴

Runoff leaving the project area flows south to the San Jacinto River. There is a topographic divide in the project area, located just west of Theodore Street, which separates storm water flows to the San Jacinto River in two directions. For planning purposes, the lead agency has divided the project's

² California Wetlands Conservation Policy, Executive Order W-59-93.

³ Friends of the Northern San Jacinto Valley, *The Road Runner*, February 2011, available at: <http://www.northfriends.org/images/RoadrunnerFebruary2011.pdf>

⁴ Draft Master Plan of Drainage Report § 2.1.2, p. 2.

study area into six distinct watershed (drainage) subareas. Two drainage subareas, west of the divide, drain to the Perris Valley Storm Drain and eventually to the Perris Valley Hydrologic Subarea. The remaining four drainage subareas, east of the divide, drain directly to the San Jacinto Wildlife Area and Mystic Lake, and then south to the Gilman Hot Springs Hydraulic Subarea. Both Hydrologic Subareas eventually flow to the San Jacinto River, about 10 miles south of the project site.⁵ The San Jacinto River, a major tributary to the Santa Ana River, is ephemeral, flowing only during large storm events. The San Jacinto River flows through Canyon Lake and typically terminates in Lake Elsinore.⁶ Lake Elsinore and Canyon Lake are currently on the Environmental Protection Agency's 303(d) list of Impaired Waters.

The proposed project will impact water resources and alter the hydrologic characteristics of the watershed through: increased percentage of impervious area, increased peak flow, reduced time to reach peak flow, increased hydraulic efficiency of the drainage systems from natural drainage courses to improved underground drainage systems and detention basins.⁷

II. The Project Will Substantially Interfere With Groundwater Recharge and No Mitigation Measures are Proposed.

The California Department of Water Resources identifies groundwater wells located within the project area.⁸ Groundwater measurements from 1939 to 1985 indicate a depth range from approximately 100 to 150 feet below ground surface. Groundwater was measured at 106 feet below ground surface within an onsite well.⁹ The DEIR does not contemplate the groundwater wells in the project area and the Draft Master Drainage Report does not explain how the wells will be incorporated into the project area. The Water Supply Assessment prepared for the proposed project indicates that development of the project will not include groundwater for water supply, however Waterkeeper urges the City of Moreno Valley to identify in the DEIR who is responsible for the maintenance of groundwater wells in the project area.

The DEIR finds that the project will not substantially interfere with groundwater recharge, "as any decreased groundwater recharge due to increased impervious surface area will be offset by infiltration due to irrigation." (DEIR, § 4.9.5.3, p. 4.9-19.) In order to offset groundwater recharge through irrigation, the project area must have the capacity to hold all precipitation on site. Furthermore, there must be sufficient demand for the stored water in order to draw down the supply and allow for additional capture volume. The DEIR does not describe a method to capture and store all precipitation that falls upon the project area and the proposed use for landscape irrigation is inadequate because the Specific Plan calls for the instillation of drought tolerant landscape which requires minimal irrigation, especially after storm events when most precipitation will be captured on the project area.

Therefore, this finding is speculative and requires further investigation by the City of Moreno Valley. The Project Description is contrary to a finding of no substantial interference with groundwater

⁵ Draft Master Plan of Drainage Report § 2.1.2, p. 2.

⁶ California Regional Water Quality Control Boards, Region 8 Fact Sheet.

⁷ Draft Master Plan of Drainage Report § 3.1.2, p. 6

⁸ Draft Master Plan of Drainage Report, § 2.1.2, p. 2.

⁹ *Id.*

recharge. The Specific Plan requires the developer to install xeriscape, or drought-tolerant landscaping, which involves minimal irrigation. (DEIR, § 3.4.7.2, p. 3-59) Without more information, it is unreasonably speculative to conclude that irrigation of the planned xeriscaping will fully replace the natural rate of groundwater recharge in the project area. Speculation or unsubstantiated opinion is not substantial evidence. Substantial evidence includes “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”¹⁰ Given the size of the project area, it is foreseeable that the proposed project will substantially interfere with groundwater recharge; the DEIR does not provide substantial evidence that irrigation of landscaping will offset the effects of the project on groundwater recharge. A project has a significant effect on the environment when it will potentially degrade the quality of the environment.¹¹ The recharge of groundwater is an important factor in the San Jacinto River Watershed and for floodplain management; on site recharge is promoted in the San Jacinto River Watershed Management Plan.¹² The project’s interference with groundwater recharge could potentially degrade the quality of the environment.

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The California Environmental Quality Act requires that mitigation plans be established for all impacts. No mitigation measure has been proposed for the potential impact to groundwater recharge in the project area. The Environmental Impact Report must identify mitigation measures that could minimize significant adverse impacts.¹³ The Project Specific Water Quality Management Plan (in Appendix J of the DEIR) acknowledges that infiltration testing has not been performed at the project site but that a preliminary review of the feasibility of infiltration has been conducted, finding that the majority of the study area consists of a Hydrologic Soil Group which is considered appropriate for infiltration. (DEIR Appendix J-2 and WQMP, p. 16, Section D.1.) Currently, the majority of the precipitation, particularly in smaller storms, infiltrates into the subsurface of the project area. (DEIR, § 4.9.6, p. 4.9-29.) The project area covers 3,198 acres (the Specific Plan covers 2,710), the majority of which is currently unpaved. As of the writing of this letter, the area of the impervious project footprint has not been determined. The Project Specific Water Quality Management Plan states that it will be determined in the final Water Quality Management plan. The project description calls for the construction of impervious surfaces, such as roadways, parking lots, and buildings, over the majority of the specific plan area yet the DEIR speculates that irrigation will offset “any decreased groundwater recharge.” (DEIR § 4.9.5.3.) 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.

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III. The Project Will Significantly Increase Surface Water Runoff, and Treatment Methods are Inadequately Described.

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The project may significantly increase off-site runoff. (DEIR § 4.9.6, p. 4.9-22.) Currently, the project site has a low runoff coefficient, meaning that runoff during storms represents a relatively

¹⁰ CA Pub. Res. Code § 21082.2(c).

¹¹ CA Pub. Res. Code § 21083 (b)(1).

¹² San Jacinto River Watershed management Plan, available at http://www.cityofcanyonlake.com/uploads/files/sanjacintoirwmp_entiredocument.pdf

¹³ CA Pub. Res. Code, §§ 21002, 21002.1, subd. (a)(b), 21100, subd. (b)(3)(4).

small portion of the total rainfall. (DEIR, § 4.9.6, p. 4.9-29.) The Specific Plan calls for development of the project area with impervious surfaces, such as roadways, parking lots, and buildings. This development would result in a condition in which nearly all rainfall becomes runoff. (DEIR § 4.9.6, p. 4.9-29.) The majority of the runoff from the project site flows south to Mystic Lake and during times of high storm flow, and reaches the San Jacinto River south of the San Jacinto Wildlife Area. Conditions resulting from the project will include increased runoff volumes and velocity; reduced infiltration; increased flow frequency, duration, and peak; shorter time to reach peak flow; and degradation in water quality. However, the City of Moreno Valley finds that this increase in runoff will be reduced to a less than significant impact because volume is to be stored in basins and released at a controlled rate after the storms. (DEIR § 4.9.6, p. 4.9-29.) 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 DEIR is insufficiently detailed in its description of the type of treatment captured water will undergo before it is released into Mystic Lake.

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Mitigation measures must be feasible, measurable and specific.¹⁴ Mitigation Measure 4.9.6.1A, purports to “reduce potential impacts associated with runoff from the project site to less than significant levels” through the construction of “drainage structures” at the downstream end of the drainage subareas flowing to the San Jacinto Wildlife Area “to control the runoff and spread the flow in such a way that the flows exiting the project boundary will return to the sheet flow pattern similar to the existing condition.” This mitigation measure is unreasonably vague because it does not specify the type of “drainage structures” suitable for the project or how effective “drainage structures” are at releasing runoff to mimic natural sheet flow. Furthermore, this mitigation measure ignores the changes in the quality of the runoff that will flow to Mystic Lake and the San Jacinto Wildlife Area.

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All runoff from the site must be treated before it leaves the project area and enters the San Jacinto Wildlife Area. The Specific Plan for the project area does not address the changes in the quality of water that will run off the project area during a storm event. The Specific Plan describes a “system of underground drainage lines and detention basins” that will convey the storm water runoff and “manage the increased flow due to the proposed development.” (World Logistics Center Specific Plan, § 3.5.4, p. 41.) This statement is general and does not adequately describe how the “increased flow” will be managed in order to protect the quality of the water in Mystic Lake or the San Jacinto Wildlife Area. The DEIR fails to describe what types of “detention basins” are contemplated and whether they will have the capacity to treat polluted runoff before release. The DEIR must specify the type of treatment captured storm water will undergo prior to release into Mystic Lake and the San Jacinto Wildlife area.

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According to the Specific Plan, peak flows at downstream discharge points, at the southerly project boundary with the San Jacinto Wildlife Area, will not exceed the peak flows for the existing condition. Concentrated flows released from detention basins will be spread to mimic existing sheet flow patterns. (World Logistics Center Specific Plan, § 3.5.4, pp. 42-43.) This is overly speculative because the Plan does not describe how or if the storm water runoff will be filtered or treated according to Low Impact Development Best Management Practices (BMPs.) The DEIR simply lists

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¹⁴ Cal. Code Reg. Tit. 14, § 15126.4

treatment control BMPs (in section 4.9.6.3) but fails to describe where, specifically, these BMPs will be implemented or how effective these treatments will be at mimicking existing sheet flow patterns or treating water before release.

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The degree of specificity in an EIR must correspond to the degree of specificity involved in the underlying activity which is described in the EIR.¹⁵ Since this is a construction project, the effects of construction can be predicted with a fair amount of accuracy and therefore must be described in sufficient detail.¹⁶ The DEIR is too general because it describes detention basins and spreading areas designed “to account for the amount of sediment transported through the project boundary so that the existing sediment carrying capacity is maintained,” but the DEIR does not describe what the existing carrying capacity for sediment is or whether it is feasible to maintain this capacity with mitigation. (DEIR § 4.9, p. 4.9-30.)

16

IV. Construction Related Water Quality Impacts Will Be Significant.

The project may cause surface water pollution during construction. (DEIR §4.9.6.2, p. 4.9-31.) 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 DEIR. Treatment Control BMPs listed in the DEIR do not include treatment for sediment. Instead, the DEIR relies on the future acquisition of an NPDES permit to address the control of sediment discharges from the project site.

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The DEIR finds that short term water pollutant discharges from the project area will be mitigated through compliance with the required NPDES permits, however, National Pollution Discharge Elimination permits are an issue that should be addressed early in the planning process so that methods for compliance with the Total Maximum Daily Loads (TMDLs) can be determined. In order to comply with the TMDLs, the project may need to keep all water on site or face penalties under the NPDES program.

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Waterkeeper is further concerned about the status of necessary permits for the project site. In Appendix J of the DEIR, the status of the United States Army Corps of Engineers Clean Water Act section 404 permit for the discharge of dredged and fill material into waters of the United States is “To Be Determined.” (DEIR, Appendix J, p. 8.) It is more than likely that grading of the construction site will release dredged or fill material into navigable waters, this activity is prohibited without a permit from the Army Corps of Engineers. Waterkeeper urges the City of Moreno Valley to comply with the Clean Water Act and prepare to apply for all applicable permits.¹⁷

¹⁵ Cal. Code Reg. Tit. 14, § 15146.

¹⁶ Cal. Code Reg. Tit. 14, § 15146.

¹⁷ 33 U.S.C.A. § 1344(a)

V. Operational Water Quality Impacts: The Project Must Comply With Total Maximum Daily Loads and The DEIR Must Specifically Address Methods of Compliance With LID BMPs.

The project may result in surface water pollution during operation. (DEIR §4.9.6.3, p. 4.9-33.) During the operational phase of any urban use, the major source of pollution is storm water runoff, which carries contaminants that have accumulated on the land surface over which runoff passes. Storm water runoff from the roadways, parking lots, and commercial and industrial buildings can carry a variety of pollutants such as sediment, petroleum products, commonly utilized construction materials, landscaping chemicals, and trace metals such as zinc, copper, lead, cadmium, and iron, which may lead to the degradation of downstream water bodies and channels. Runoff from landscaped areas may contain elevated levels of phosphorus, nitrogen, and suspended solids. (DEIR §4.9.6.3, p. 4.9-33.)

a) Receiving Waters from the Project Site are on the 303(d) List of Impaired Waters; the Project Must Comply with TMDLs.

Runoff from the project area drains to the San Jacinto River, approximately 10 miles south of the proposed project. The San Jacinto River flows through Canyon Lake and typically terminates in Lake Elsinore.¹⁸ Storm water runoff from the roadways, parking lots, and commercial and industrial buildings can carry a variety of pollutants, including nutrients. (DEIR § 4.9.6.3, p. 4.9-33). Lake Elsinore and Canyon Lake are currently on the Environmental Protection Agency's 303(d) list of Impaired Waters. The California Regional Water Quality Control Board - Santa Ana Region established a Resolution Amending the Water Quality Control Plan for the Santa Ana River Basin to Incorporate Nutrient Total Maximum Daily Loads (TMDLs) for Lake Elsinore and Canyon Lake, Resolution No. R8-2004-0037. A TMDL is the amount of a pollutant a water body can receive in a day and still meet water quality standards.¹⁹ The TMDL program is a complicated process, typically spanning 19 years, and requires all agencies and developers in the watershed to commit to the program under threat of penalty. The proposed WLC project would increase the volume of water and pollutants entering Canyon Lake and Lake Elsinore.

Table 4.9.1 of the DEIR lists the adopted TMDL pollutants in Canyon Lake (phosphorus and nitrogen) and in Lake Elsinore (phosphorus, nitrogen, and dissolved oxygen.) (DEIR §4.9.6.3, p. 4.9-34.) The table also identifies pollutants associated with operation of the proposed project: sediments, nutrients (such as nitrogen and phosphorous), toxic organic compounds, trash and debris, bacterial indicators, oil and grease, pesticides, and metals. (DEIR § 4.9.6.3, p. 4.9-34.) The DEIR addresses this impact to water quality with assurance that as "specific developments within the project are developed," updates to the Master Water Quality Management Plan for the World Logistics Center Specific Plan "will be required to ensure that water quality treatment is being maintained per city requirements." (DEIR, § 4.9.6.3, p. 4.9-35.) In order for the environmental review process to be meaningful, the method of water quality treatment should be discussed in the DEIR. Methods for complying with city and county Water Quality Management Plans should be specifically analyzed early in the planning process so that cost projections are accurate and potential environmental

¹⁸ California Regional Water Quality Control Board, Region 8 Fact Sheet.

¹⁹ United States Environmental Protection Agency, Laws and Regulations, Total Maximum Daily Loads (303d); available at: <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/overviewoftmdl.cfm>

impacts can be addressed. NPDES permits are also an issue that should be addressed at this stage, so that methods for compliance with the TMDLs can be determined. In order to comply with the TMDLs, the project may need to keep all water on site, or face penalties applicable in the NPDES program.²⁰

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b) Methods for Compliance with Low Impact Development Best Management Practices are Not Sufficiently Addressed in the EIR.

The Water Quality Management Plan for the project identifies Best Management Practices (BMPs) that have the potential to minimize the project's effect on hydrology; however, the DEIR does not specify how these BMPs will be integrated into the project; where on the project site the BMPs will be incorporated; or how effective these BMPs are at mitigating the specific environmental effects of the project. An EIR for a specific development project must be specific, because it focuses on site-specific effects that can be predicted with some accuracy.²¹ The specific locations in the project area of the BMPs are not shown in the current Specific Plan. (Project Specific Water Quality Management Plan, p. 16.)

21

Waterkeeper urges the City of Moreno Valley to implement Site Design BMPs from highest to lowest priority: (1) infiltration, (2) harvest and reuse and (3) bioretention.²² Infiltration BMPs have advantages over other types of BMPs, including reduction of the volume and rate of runoff, as well as full treatment of all potential pollutants contained in storm water runoff. Site Design BMPs require the maximization of permeable surfaces such as permeable pavement with infiltration beds, infiltration trenches and surface and sub-surface infiltration basins. Permeable Pavement provides infiltration and evaporation by reducing the volume and peak of storm water runoff as well as mitigates pollutants from storm water runoff.

The DEIR indicates multiple site design BMPs that, in accordance with Riverside County's Water Quality Management Plan, should be implemented. Neither the DEIR or the Specific Plan provide specific details about how these site design BMPs will be implemented or whether or not they will be effective in ensuring the project has as little impact as possible on the local hydrology. Waterkeeper commends the City of Moreno Valley for encouraging minimization of urban runoff, minimization of impervious footprint, conservation of natural areas and minimization of directly connected impervious areas, but is concerned that the practical implementation of these concepts is not fully addressed in the DEIR. The DEIR should detail how Low Impact Development practices will be implemented, where specific designs will be used and the potential effectiveness of such designs.

²⁰ Where a water body is already impaired by a pollutant, a developer may not be entitled to an NPDES permit for a discharge of that pollutant that is the cause of the water body being listed on the 303(d) list. *Friends of Pinto Creek v. United States Environmental Protection Agency*, 504 F.3d 1007 (9th Cir. 2007).

²¹ Cal. Code Reg. tit. 14 § 15151; *Greenebaum v. City of Los Angeles*, 153 Cal. App. 3d 391, 409 (2d Dist. 1984); *Karlson v. City of Camarillo*, 100 Cal. App. 3d 789, 807 (2d Dist. 1980); *San Francisco Ecology Center v. City and County of San Francisco*, 48 Cal. App. 3d 584, 594, 596 (1st Dist. 1975).

²² California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033, NPDES No. CAS 618033, § E. 8. A, p. 95

c) Water Quality Impacts to San Jacinto Wildlife Area Are Significant and the Proposed Mitigation is Inadequate.

The majority of the project area drains towards the Gillman Hot Springs Hydrologic Subarea, which lies south of the San Jacinto Wildlife Area (SJWA.) The WLC project borders the northern boundary of the SJWA and four of the six drainage subareas identified in the DEIR flow directly to the SJWA. The hydraulic conditions of wetlands, such as the SJWA, are strongly influenced by sources and distribution of water. The project may result in surface water pollution during operation. (DEIR, § 4.9.6.3, p. 4.9-33). Storm water runoff from the roadways, parking lots, and commercial and industrial buildings can carry a variety of pollutants such as sediment, petroleum products, construction materials, landscaping chemicals and trace minerals. (DEIR, § 4.9.6.3, p. 4.9-33).

The DEIR lists multiple design features such as detention basins and bioswales but fails to analyze how effective these design features will be in capturing and treating polluted runoff before release into the SJWA. The proposed drainage system identifies seven “basins” along the southern border of the project area, facing the SJWA. (DEIR, § 4.9.6.1, Figure 4.9.3, p. 4.9-27.) The detention basins have outlets that drain directly to the SJWA. The DEIR does not describe what types of detention basins are contemplated and whether they will have the capacity to treat polluted water before release. Riverside County Flood Control and Water Conservation District’s Design Handbook for Low Impact Development Best Management Practices recommends the use of Extended Detention Basins, which are designed to detain storm water and maximize opportunities for volume losses through infiltration, evaporation, evapotranspiration and surface wetting. Pollutant removal is provided by sedimentation inside the basin so that pollutants are not released with the water. Infiltration Basins are more effective BMPs than concrete detention basins (or reinforced concrete boxes) because they provide infiltration, evapotranspiration, evaporation and sedimentation.²³

The DEIR is insufficient because it does not designate specific site design BMPs, rather it lists possible BMPs that the developer “should implement as appropriate.” (DEIR p. 4.9-37). Implementation of these BMPs should be mandatory and not a part of the developer’s discretionary decision making. “Reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decision making;” mitigation plans have been overturned on judicial review as constituting “improper deferral of environmental assessment.”²⁴

Mitigation Measure 4.9.6.3 C states that a pre-construction survey must be “completed to determine general water quality baseline conditions prior to and during development of the southern portion” of the project. (DEIR, § 4.9.6.3, p. 4.9-41). 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.”²⁵

²³ Riverside County Flood Control and Water Conservation District’s Design Handbook for Low Impact Development, Best Management Practices, § 3.1.

²⁴ *Communities for a Better Environment et al., v. City of Richmond*, 184 Cal.App.4th 70, 73 (2010).

²⁵ *Id.*

VI. The Cumulative Impacts of Development in the Region are Not Adequately Addressed in the DEIR.

Cumulative impacts, by definition, are the impacts of other projects combined with the project's direct and indirect impacts.²⁶ Cumulative impacts include other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions.²⁷ 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. (DEIR §4.9.7, p. 4.9-42.) The DEIR 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, such as the proposed Mid County Parkway Project.

In the DEIR, the City of Moreno Valley dismisses the possibility of cumulative environmental impacts on receiving waters by assuming that since “all new developments will be required to mitigate for impacts to water quality, a less than significant impact to water quality will occur.” This analysis is insufficient. A cumulative impact analysis must be substantively meaningful.²⁸ A cumulative impact analysis “which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decision-maker's perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval.”²⁹ For purposes of its cumulative impacts analysis, the City of Moreno Valley should either list other reasonably foreseeable probable future projects that produce related or cumulative impacts, including other projects that are currently under environmental review, or it should contain a summary of projections from previously adopted or certified planning or environmental documents.³⁰ Not only must reasonably anticipated future projects be considered in an environmental impact report, but they also must be discussed in a cumulative analysis.³¹ The DEIR does not contain a discussion of reasonably anticipated future projects and their potential impact on hydrology in the watershed. There are currently numerous development projects planned throughout the San Jacinto River watershed, including improvements to three regional roadways: Cajalco Road, I-215, and SR-79.

Potential cumulative impacts to the San Jacinto Wildlife Area are significant. The WLC project area borders the northern boundary of the SJWA, and the project contemplates a 250-foot “safe zone” set back to help minimize potential impacts on biological resources of the SJWA. (DEIR, § 4.4.6, p. 4.4-63 - 64.) However, the DEIR fails to consider encroachment on the southern border of the SJWA by other reasonably foreseeable future projects. The proposed Mid County Parkway Project would require the acquisition of 3.4 acres of land within the SJWA.³² This would destroy an important ecological buffer zone on the south side of the SJWA, which protects important

²⁶ CA Pub Res. Code § 21803 (b)

²⁷ 40 CFR §1508.7

²⁸ Cal. Code Reg. Tit. 14, § 15130

²⁹ *Joy Road Area Forest and Watershed Ass. v. California Department of Forestry*, 142 Cal App 4th, 656, 676 (2006).

³⁰ Cal. Code Reg., tit. 14, § 15130, subd. (b)(1)(A) and (B); *Terminal Plaza Corp. V. City and County of San Francisco*, 177 Cal. App. 3d, 892 (1984).

³¹ *City of Santee v. County of San Diego*, 214 Cal. App. 3d 1438, 263 Cal. Rptr. 340 (4th Dist. 1989).

³² Mid County Parkway Project, Re-circulated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement, Appendix B, Section 7.4.2.)

biological resources. The SJWA is facing a potential loss of habitat on both its north and south sides due to proposed development in the area; the consequences to biological resources in the wildlife area must be analyzed in light of the cumulative impacts of all reasonably foreseeable future development. The potential effects of increased sound and light to the SJWA should be considered in a cumulative analysis. The northern portion of the SJWA will experience increased noise levels during construction and operation and given the potential impacts from other foreseeable projects, a 250-foot set back may not be sufficient to mitigate effects such as behavioral changes in wildlife. (DEIR § 4.4.6 p. 4.4-66.) Lighting associated with the planned development on the southern portion of the project area may also have significant direct and indirect impacts to wildlife in the SJWA. (DEIR § 4.4.6, p. 4.4-67.) These effects, along with all other potential impacts, should be considered in a cumulative impacts analysis.

25

VII. Necessary Findings: The DEIR Identifies Significant Environmental Effects.

The City of Moreno Valley cannot approve or carry out a project when the EIR identifies significant effects on the environment, unless it makes a finding supported by substantial evidence that: (1) there are no feasible alternatives to the project as proposed; (2) changes have been required which mitigate the adverse effects; or (3) such changes are within the jurisdiction of another agency which has adopted, or should adopt, them; or (4) economic, social, or other considerations make mitigation infeasible.³³

26

VIII. Conclusion

Waterkeeper supports responsible development and encourages the City of Moreno Valley to develop a DEIR that more specifically addresses how the direct and indirect impacts of the project to the region's water quality will be mitigated.

27

Please do not hesitate to contact me directly at (714) 850-1965 ext. 307 or email me at colin@iewaterkeeper.org with any questions or comments on our WLC position. We look forward to working with the City of Moreno Valley on resolving these and other issues with this priority project.

Regards,



Colin Kelly
 Staff Attorney
 Inland Empire Waterkeeper

³³ CA Pub. Res. Code § 21081. *City of Marina v. Board of Trustees of the California State University*, 39 Cal. 4th 341, 346 (2006).

RESPONSES TO LETTER F-5

Inland Empire Waterkeeper

Response to Comment F-5-1. The City understands the commenter's interest in clean water and environmental resource protection through the CEQA process.

Response to Comment F-5-2. Again, the City understands your commenter's orientation to water quality. The commenter should also refer to the many comments by other conservation organizations and public agencies that also deal with water quality. For more information regarding water quality, see Responses to Comments B-3-37 through B-3-39 to Letter B-3 from the California Department of Fish and Wildlife (CDFW).

Response to Comment F-5-3. The analysis of potential water quality impacts of the World Logistics Center (WLC) project have been adequately addressed at a programmatic level, as outlined in Section 1.0, *Introduction*, of the Draft Environmental Impact Report (DEIR). Section 4.9, *Hydrology and Water Quality*, of the DEIR examines these potential impacts in detail, and proposes a number of measures to mitigate the anticipated impacts from construction with Mitigation Measures (MMs) 4.9.6.2A and 4.9.6.2B and operations with MMs 4.9.6.3A, 4.9.6.3B, and 4.9.6.3C. In addition, the DEIR clearly indicates that future development within the WLC Specific Plan (SP) will have subsequent environmental analysis which is allowed under the tiering requirements of CEQA.

Response to Comment F-5-4. The commenter has accurately characterized the habitat areas south of the WLCSP development area, and the Specific Plan and DEIR establish a 400-foot buffer zone without logistics buildings to provide additional setback from the San Jacinto Wildlife Area (SJWA) area.

Response to Comment F-5-5. The commenter has accurately characterized the Mystic Lake habitat areas south of the WLCSP development area. Section 4.4.1.10, *Wildlife, SJWA and Mystic Lake*, of the DEIR describe the Mystic Lake and SJWA resources, and Section 4.4.1.14, *MSHCP Consistency Analysis*, and Section 4.4.6.1 of the DEIR analyze the potential impacts of the WLC project on these resource areas. Based on the project design, and with implementation of the recommended mitigation measures, the DEIR concluded that impacts to these areas would be less than significant.

Response to Comment F-5-6. The commenter has accurately characterized the surface drainage regime in the project area and downstream areas. However, the project hydrology study indicates the WLC project would not result in increased runoff or water pollution downstream of the project site through the creation of a number of detention basins along the southern portion of the WLCSP site. These basins are outlined in the Specific Plan, the project hydrology study (DEIR Appendix J-1), and described in MMs 4.9.6.1A and 4.9.6.3A through 4.9.6.3C dealing with water quality and MMs 4.4.6.1B and 4.4.6.4F dealing with biological resources. These measures are sufficient to protect regional water quality, and the DEIR concluded that project impacts would be less than significant.

Response to Comment F-5-7. The commenter is correct, Lake Elsinore is on the U.S. Environmental Protection Agency (EPA's) 303(d) list of Impaired Water Bodies. However, as previously stated, the project hydrology study indicates that the WLC project would not result in increased runoff or water pollution downstream of the project site through the creation of a number of detention basins along the southern portion of the WLCSP site (see Response to Comment F-5-6). Therefore, the WLC project will not have any demonstrable impacts on Lake Elsinore.

Response to Comment F-5-8. The commenter is correct the project will change the stated hydrology conditions of the area, however, the project hydrology study indicates the WLC project would not result in increased runoff or water pollution downstream of the project site through the creation of a

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

number of detention basins along the southern portion of the WLCSP site (see Response to Comment F-5-6).

Response to Comment F-5-9. There are five existing water wells on the project site. All of the wells, with the exception of the well located at the southwest corner of Alessandro Boulevard and Virginia Street, will be abandoned due to their low production and poor condition. Use of the remaining well for domestic water is not viable due to the high costs and energy demands to treat the well water to bring it into compliance with drinking water standards. Additionally, the high salt content of the well water makes it unsuitable for irrigation purposes. However, this well water is suitable for construction uses and may be used for those purposes on the project site in conformance with the West San Jacinto Groundwater Basin Groundwater Management Plan 2012. The well will remain in private use or may be transferred to a property owners' association for long-term ownership, operation, and maintenance.

Response to Comment F-5-10. Text was added to the DEIR Section 4.9 *Hydrology and Water Quality*, page 4.9-19 (FEIR Volume 2) to clarify the changes in infiltration will not be compensated by irrigation at the project site. The document entitled *World Logistics Center Specific Plan Infiltration Analysis* (CH2M HILL 2013 - FEIR Volume 2, Appendix J-1) explains in detail the post project expected change in the water balance based on available 23 years of historical precipitation data. The key findings of the Infiltration analysis are as follows:

Infiltration in pre-project conditions occurs over large areas, which typically results in only partially saturating the soil column after most rainfall events. Then, plants draw this widely dispersed infiltrated water from storage in the soil column, further reducing soil moisture storage, such that infiltrated water does not percolate beyond the root depth. Therefore, only a fraction of infiltrated water becomes groundwater recharge. On the other hand, for the post-project conditions, increases in infiltration are occurring at focused areas with volumes of water that can easily fill the soil column beyond root zone depths, so that much of the infiltrated water will percolate and contribute to groundwater recharge.

The main differences between Pre and Post Project conditions, presented in Figures 3 and 4 of the WLCSP Infiltration Analysis document (CH2M HILL, 2013 - FEIR Volume 2, Appendix J-1), are the shift between run off and direct infiltration, and the reduction in evapotranspiration. Under pre-project conditions, approximately 82 percent of the precipitation, which was on average 2010 acre-feet per year (af/yr) for the 1990 through 2012 period, becomes infiltration. The Post Project Conditions will reduce the direct infiltration to approximately 13 percent of the precipitation. The reduction in direct infiltration will be compensated by reduction in evapotranspiration and the increase of infiltration through the implementation of bio retention areas and detention basins.

The reduction in evapotranspiration from the original 15 percent to approximately 2 percent of the total precipitation will be the result of the project's use of drought-tolerant landscaping. With less water consumed by vegetation, more will be available for infiltration. The implementation of bio retention and detention Basin areas will make possible for approximately 92 percent to 97 percent of the precipitation will be infiltrated, a range that is consistent with the historical infiltration at the site. The remaining direct infiltration, reduction of evapotranspiration, and implementation of bio retention and detention basins can not only offset the direct loss in Infiltration when compared to baseline, but also increase the groundwater recharge at the proposed project site.

Response to Comment F-5-11. In response to this and other earlier comments regarding water quality, MMs 4.9.6.1A and 4.9.6.1B were modified as shown in Response to Comment B-3-39 in Letter B-3 from the California Department of Fish and Wildlife (refer to Response to Comment F-5-23).

Response to Comment F-5-12. 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

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

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 MM 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 SJWA.

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 Total Maximum Daily Loads (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.” (p. 19)

Response to Comment F-5-13. As outlined in DEIR Appendix J-1 *Hydrology and Water Quality Master Plan of Drainage Report Section 3.2 Proposed Drainage Systems* and Figures 8 and 9 of the report the “drainage structures” refer to the basins and energy dissipaters constructed at the downstream end of the drainage subareas flowing to the SJWA. The outflow from the energy dissipation area will weir flow over a level curb. The basins will reduce flow to below or equal to pre-development conditions, and the energy dissipaters and level curbs at the basin spillways will reduce the runoff velocity and dissipate the flow energy to mimic natural sheet flow conditions. MM 4.9.6.1.A has also been revised to be more specific as follows:

4.9.6.1A Prior to issuance of ~~any development~~ any building permit within the Specific Plan area, the developer shall ~~place~~ construct storm drain pipes and conveyances, as well as, combined detention and infiltration basin(s), bioretention areas, and spreading area(s) ~~as appropriate~~ within each proposed watershed, as outlined in the project hydrology plan, to mitigate the impacts of increased peak flow rate, velocity, flow volume and reduce the time of concentration by storing ~~increased runoff for a limited period of a time and release the outflow at a rate that does not exceed the pre-development condition~~ and infiltrating increased runoff for a limited period of time and release the outflow at a rate that does not exceed the pre-development peak flows and velocities for the 2, 5, 10, 25, and 100-year storms and volumes as assessed in the water balance model for historical conditions. For the purpose of this mitigation measure, the term “construct” shall mean to substantially complete construction so as to function for its intended purpose during construction with complete construction prior to occupancy. Field investigations will be conducted to determine the infiltration rate of soils underlying the proposed locations of bioretention areas and detention basins. The infiltration rate of the underlying soils will be used to properly size the bioretention areas and detention basins/infiltration basins to ensure that adequate volumes of runoff, in cumulative total for all bioretention areas and detention basins are captured and infiltrated. The water balance model will be updated and rerun for the site-specific conditions encountered to confirm the water balance. This measure shall be implemented to the satisfaction of the City Engineer. Energy dissipaters shall be used as the spillways of basins to reduce the runoff velocity and dissipate the flow energy. Drainage weir structures shall be constructed at the downstream end of the watersheds flowing to the San Jacinto Wildlife Area to control the runoff and spread the flow ~~in such a way~~ that the

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

flows exiting the project boundary will return to the sheet flow pattern similar to the existing condition. Detention basins and spreading areas shall be designed to account for the amount of the sediment transported through the project boundary so that the existing sediment carrying capacity is maintained.

MMs 4.9.6.3.A, 4.9.6.3B and 4.9.6.3C address water quality. MM 4.9.6.3C has been revised to be more specific as follows:

4.9.6.3C Prior to issuance of future discretionary permits for any development along the southern boundary of the World Logistics Center Specific Plan (WLCSP), the project developer of such sites, in cooperation with the Property Owners Association (POA), shall establish and annually fund a Water Quality Mitigation Monitoring Plan (WQMMP) to confirm that project runoff will not have deleterious effects on the adjacent San Jacinto Wildlife Area (SJWA). This program shall include at least quarterly sampling along the southern boundary of the site (i.e., at the identified outlet structures of the project detention basins) during wet season flows and/or when water is present, as well as sampling of any dry-season flows that are observed entering the San Jacinto Wildlife Area property from the project property, including Drainage "H," 9, which is planned to convey only clean off-site flows from north of the World Logistics Center Specific Plan site across Gilman Springs Road. The program shall also include at least twice yearly sampling after completion of construction, and a pre-construction survey must be completed to determine general water quality baseline conditions prior to and during development of the southern portion of the World Logistics Center Specific Plan. This sampling shall be consistent with and/or comply with the requirements of applicable Storm Water Pollution Prevention Plans (SWPPPs) for the development site.

The project developer of sites along the southern border of the World Logistics Center Specific Plan shall be responsible for preventing or eliminating any toxic pollutant (not including sediment) found to exceed applicable established public health standards. In addition, the discharge from the project shall not cause or contribute to an exceedance of Receiving Water Quality Objectives for the potential pollutants associated with the project as identified in Table 4.9.J. Once development is complete, the developer shall retain qualified personnel to conduct regular (i.e., at least quarterly) water sampling/testing of any basins and their outfalls to ensure the San Jacinto Wildlife Area will not be affected by water pollution from the project site. ~~The City Planning and/or Land Development Division shall file an annual water quality report with the Moreno Valley City Council, State Department of Recreation (Mystic Lake Manager), and Eastern Municipal Water District.~~ This measure shall be implemented to the satisfaction of the City ~~Planning and/or Land Development~~ Land Development Division Manager based on consultation with the project developer, Eastern Municipal Water District, the Regional Water Quality Control Board-Santa Ana Region, and the Mystic Lake Manager.

Response to Comment F-5-14. All runoff from the site will be treated by LID BMPs and then routed through detention basins with 2 feet of dead storage for infiltration and energy dissipaters before it leaves the project area and into Mystic Lake and the San Jacinto Wildlife Area. The outflow from the energy dissipation areas will weir flow over a level curb. The basins will reduce flow to below or equal to pre-development conditions, and the energy dissipaters and level curbs at the basin spillways will reduce the runoff velocity and dissipate the flow energy to mimic natural sheet flow conditions. The LID BMPs located upstream of the infiltration and detention basins will consist of infiltration, bio retention, and/or biotreatment BMPs. The project will implement LID BMPs in compliance 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), and will design the LID BMPs

according to the Riverside County Flood Control and Water Conservation District (RCFCWCD) Design Handbook for Low Impact Development Best Management Practices. This will mitigate water quality impacts to the San Jacinto Wildlife Area.

Response to Comment F-5-15. Flows from the project will be treated first by LID BMPs where the flow will be infiltrated, evapotranspired, or treated. As required by MM 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. Detailed site plans showing the location of treatment BMPs will be prepared as part of the Tentative Tract plans and provided as part of the final project-specific Water Quality Management Plan (WQMP). Currently, the WQMP is at a Specific Plan level and details cannot be provided at this stage. The locations of the LID BMPs are not shown in the current Specific Plan phase, but will be shown in the final project-specific WQMP.

Response to Comment F-5-16. The project is the construction and operation of the WLC. The approvals currently being sought are only the first of many. Section 6 in the *Master Plan of Drainage Report* of Appendix J-1 Hydrology and Water Quality in the DEIR analyzed the sediment carrying capacity of the existing and proposed conditions as outlined below.

Sediment Analysis for Existing Condition

Under the existing condition, offsite tributary areas north of SR-60 and Gilman Springs Road have the potential to generate sediment. This is shown by the accumulation of sediment and debris at the culverts crossing SR-60 and Gilman Springs Road. Recent field visits found that some of the culverts do not function properly or are completely buried due to the accumulation of sediment and debris. Ultimately, the culverts will need to be cleaned out and increased in size to convey the 100-year offsite runoff.

The amount of sediment generated was estimated for each drainage course. In general, sediment is carried by flows in the existing drainage courses. When velocities are high the channel erodes and picks up sediment. When flow velocities are low the sediment drops out and deposition occurs. An estimation of the existing drainage courses flow capacity and velocities was conducted to determine whether the existing drainage courses are eroding or depositing sediment. Depending on the vegetative cover, eroding channels generally have velocities greater than 3 to 7 feet per second (fps). Vegetated channels will begin carrying sediment at velocities from 5 to 7 fps. Clean, sandy or silty channels will begin to erode with velocities ranging from 3 to 5 fps. Velocities greater than 8 fps generally cause significant erosion. Each of the existing drainage courses is analyzed in order to determine their ability to erode or deposit sediment.

The existing drainage course in watershed "A" downstream of the outlet of the existing reinforced concrete box (RCB) is heavily vegetated and consists of a channel with a bottom width of 5 feet and a depth of 4 feet. The top width of the channel is 37 feet. Through normal depth calculations, it is estimated that the drainage course can convey 375 cubic feet per second (cfs) flow at a velocity of 4.5 fps. Because the velocity is less than 5 fps sediment will generally deposit in the existing drainage course and the majority of the sediment generated from Watershed "A" will be deposited along traveling routes due to the vegetated soil cover.

The existing drainage course in watershed "B" is vegetated and consists of a bottom width of 2 feet and a depth of 2 feet. The top width of the drainage course is 18 feet. Through normal depth calculations, it is estimated that the existing drainage course can convey 55 cfs flow at a velocity of 2.8 fps. Because the velocity is less than 5 fps sediment will generally deposit in the existing drainage course and the majority of the sediment generated from Watershed "B" will be deposited along traveling routes due to the vegetated soil cover.

The existing drainage course in watershed "C" is heavily vegetated and consists of a bottom width of 3 feet and a depth of 3 feet. The top width of the drainage course is 27 feet. Through normal depth

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

calculations, it is estimated that the existing drainage course can convey 163 cfs flow at a velocity of 3.6 fps. Because the velocity is less than 5 fps sediment will generally deposit in the existing drainage course and the majority of the sediment generated from Watershed “C” will be deposited along traveling routes due to the vegetated soil cover.

The existing drainage course in watershed “D” is heavily vegetated and consists of a bottom width of 3 feet and a depth of 2 feet. The top width of the existing drainage course is 19 feet. Through normal depth calculations, it is estimated that the existing drainage course can convey 63 cfs flow at a velocity of 2.9 fps. Because the velocity is less than 5 fps sediment will generally deposit in the existing drainage course and the majority of the sediment generated from Watershed “D” will be deposited along traveling routes due to the vegetated soil cover.

The existing drainage course in watershed “E” is heavily vegetated and consists of a channel with a bottom width of 30 feet and a depth of 10 feet. The top width of the existing drainage course is 110 feet. Through normal depth calculations, it is estimated that the existing drainage course can convey 6,220 cfs flow at a velocity of 8.9 fps. Because the flow velocities are above 5 fps, erosion within the channel will occur. However, it is proposed to leave this facility as is and as such the sediment carrying capacity will remain the same.

The existing drainage course in watershed “F” is heavily vegetated and consists of a bottom width of 4 feet and a depth of 2 feet. The top width of the channel is 20 feet. Through normal depth calculations, it is estimated that the existing drainage course can convey 70 cfs flow at a velocity of 2.9 fps. Because the velocity is less than 5 fps sediment will generally deposit in the existing drainage course and the majority of the sediment generated from Watershed “F” will be deposited along traveling routes due to the vegetated soil cover.

Sediment Analysis for Proposed Condition

It is important to avoid excessive sediment transported downstream, which could cause sediment filling the downstream channel, leading to a decrease in channel capacity and an increase in flooding and overbank deposition. The culverts at Gilman Springs Road should be maintained by the County of Riverside to ensure proper conveyance of the offsite flows. The majority of the sediment will deposit upstream of Gilman Springs Road. Ultimately, sediment basins could be constructed upstream of Gilman Springs Road to contain the existing sediment and minimize the total suspended solids in the runoff. However, because sediment basins upstream of Gilman Springs Road are not to be constructed as part of this project, it is expected that some of the offsite sediment will continue to be transported through the culverts along Gilman Springs Road.

Response to Comment F-5-17. As required by MM 4.9.6.2B, a project-specific Storm Water Pollution Prevention Plan (SWPPP) will be prepared during the final design phase of the project.

“The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural best management practices (BMPs) to control sediment and nonvisible discharges from the site.” (Page 4.9-31).

Table 4.9.H (DEIR Section 4.9) lists possible construction site BMPs for runoff control, sediment control, erosion control, and housekeeping that may be used during the construction phases of the proposed WLC project. The implementation of an approved SWPPP with appropriate construction site BMPs will control erosion and sediment transport such that contaminated sediment and runoff will not significantly affect the water quality at Mystic Lake. According to *the Comprehensive Nutrient Reduction Plan for Lake Elsinore and Canyon Lake*, which is the implementation plan for the Lake Elsinore and Canyon Lake Nutrient Total Maximum Daily Loads, there are no requirements for the project to keep all water on site during construction. The inspector is required to verify that a SWPPP is on-site and check that construction BMPs are being implemented properly.

Response to Comment F-5-18. At such time as a grading permit is requested permits for the filling of drainages (USACE 404 and 401 permits); stream alteration permits (California Department of Fish and Wildlife (Section 1600 permits) and permits from the Santa Ana Regional Quality Control Board will be necessary. Since the DEIR is a program-level environmental document, the details of these permits and exact impacts on the drainages cannot be determined until project-level permits are requested and a detailed analysis has been completed.

Project-related impacts to any Waters of the U.S. or Waters of the State are considered significant and mitigation measures are required. Based on the 2013 wetland delineation report (FCS-MBA 2013 – Final (F)EIR Volume 2, Appendix E-13), Drainage features 12 and 15 are considered waters of the U.S. and Drainage Features 7, 8, 9, 12, and 15 are considered Waters of the State. These impacts will be mitigated through on-site creation, or offsite conservation, and/or purchase of in kind habitat at replacement ratios established during the permit process. Habitat replacement will be no less than a 1:1 mitigation ratio to ensure a no net loss of habitat.

As specific projects are designed, new jurisdictional delineations will be required and impacts to jurisdictional drainages will be calculated and permit requirements met. Since the proposed development will take place over a 15 year period and permitting requirements by the United States Army Corps of Engineers (USACE) are revised frequently, it is impossible to know what the permit requirements will be. All projects will comply with the regulations in effect at the time permits are issued, which will include mitigation to reduce project related impacts to a less than significant level. Also refer to Responses to Comments F-1-6 and F-1-15.

Response to Comment F-5-19. The comment repeats text taken from the DEIR Section 4.9.6.3, p. 4.9-33. No response is required.

Response to Comment F-5-20. The project will comply with the Nutrient TMDL for Lake Elsinore and Canyon Lake by implementing LID-based BMPs. According to the Comprehensive Nutrient Reduction Plan for Lake Elsinore and Canyon Lake, *“Post-construction LID-based BMPs required for new development and significant re-development projects are the only structural watershed-based BMPs currently included in the CNRP. The newly developed WQMP requirements ensure that a portion of the wet weather runoff will be contained onsite for all future development projects subject to WQMP requirements. Implementation of WQMP requirements over time coupled with the in-lake remediation projects (described below) are expected to provide sufficient mitigation of nutrients.”* (p. 2-3)

Response to Comment F-5-21. As stated in the Preliminary WQMP (DEIR, Appendix J-2) and also in Section 4.9 of the DEIR, the BMP strategy for the project is to select LID BMPs that promote infiltration and evapotranspiration. Infiltration BMPs will be preferred, but may not be feasible on sites with low infiltration rates, or located on compacted engineered fill. In situations where infiltration BMPs are not appropriate, bio retention and/or biotreatment BMPs that provide opportunity for evapotranspiration and incidental infiltration will be required based on soil conditions. considered. All of these BMPs are considered as LID BMPs and will treat a wide range of pollutants, including the Pollutants of Concern that have been identified for the project.

Response to Comment F-5-22. The purpose of the basins along the southern border of the project area, facing the SJWA, is to reduce the flow to below or equal to pre-development conditions. These basins will be designed to reduce the runoff quantities and volumes and not specifically as Extended Detention Basins according to the RCFCWCD Design Handbook for Low Impact Development Best Management Practices. However, they will provide water quality benefits and all runoff will be treated by LID BMPs prior to flowing to these basins. These LID BMPs will consist of infiltration, bio retention, and/or biotreatment BMPs. The project will implement LID BMPs in compliance with the Water Quality Management Plan for the Santa Ana Region of Riverside County, and will design the LID BMPs

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

according to the RCFCWCD Design Handbook for Low Impact Development Best Management Practices. This will mitigate water quality impacts to the San Jacinto Wildlife Area.

Response to Comment F-5-23. The project is required to perform a Water Quality Monitoring Program on the adjacent SJWA. MM 4.9.6.3C (refer to Response to Comment F-5-13) a very detailed process that must be implemented to ensure the SJWA will not be affected by water pollution from the project site. The pre-construction survey will be performed prior to issuance of future discretionary permits.

Changes to DEIR, Section 4.9 Hydrology and Water Quality, page 4.9-19.

The City of Moreno Valley is amending the text in DEIR Section 4.9, Page 4.9-19, to correct the text related to the infiltration of precipitation for the proposed project. This change to the DEIR does not result in a significant impact and has no material effect on the findings of the EIR. The revision to the text of the DEIR is as follows:

~~As identified in the City's General Plan, the proposed project will not substantially interfere with groundwater recharge as any decreased groundwater recharge due to increased impervious surface area will be offset by infiltration due to irrigation.~~ The proposed project will not substantially interfere with groundwater recharge due to the project implementation of bio retention areas and detention basins with infiltration capacity that mitigates the impact of reduced pervious areas. ~~Bioretention~~Bio retention areas and detention basins will be implemented in addition to the remaining impervious areas. The only use of groundwater may be to support continued agriculture on portions of the WLCSP property that have not yet been developed. The Eastern Municipal Water District (EMWD) developed the West San Jacinto Groundwater Basin Management Plan to help ensure that local groundwater resources are conserved and groundwater overdraft does not occur, based on projections of future growth and expected water supply conditions. The Plan projects the water consumption demands of existing and future development based on rates of growth assumed by regional planning organizations (i.e., Southern California Association of Governments (SCAG) and Western Riverside Council of Governments (WRCOG)) and estimates water demand versus available supply under different water supply scenarios (e.g., multiple dry years).

Consistent with the comments provided by Letter F-5 (Inland Empire Waterkeeper), the text in DEIR Section 4.9.6.1, (refer to FEIR Volume 2) is amended to include more specific requirements to MM 4.9.6.1A. MM 4.9.6.1B has been added to ensure the performance and monitoring of the drainage and infiltration facilities. The modified mitigation measures resulting from the comment is not considerable, and is considered to be a minor refinement of the existing measures. The change to the DEIR does not result in a significant impact and has no material effect on the findings of the EIR. The revisions to the text of the DEIR are as follows:

4.9.6.1A Prior to issuance of ~~any development~~ any building permit within the Specific Plan area, the developer shall ~~place~~ construct storm drain pipes and conveyances, as well as, combined detention and infiltration basin(s), bioretention areas, and spreading area(s) as appropriate within each proposed watershed, as outlined in the project hydrology plan, to mitigate the impacts of increased peak flow rate, velocity, flow volume and reduce the time of concentration by storing ~~increased runoff for a limited period of a time and release the outflow at a rate that does not exceed the pre-development condition~~ and infiltrating increased runoff for a limited period of time and release the outflow at a rate that does not exceed the pre-development peak flows and velocities for the 2, 5, 10, 25, and 100-year storms and volumes as assessed in the water balance model for historical conditions. For the purpose of this mitigation measure, the term "construct" shall mean to substantially complete construction so as to function for its intended purpose during construction with

complete construction prior to occupancy. Field investigations will be conducted to determine the infiltration rate of soils underlying the proposed locations of bioretention areas and detention basins. The infiltration rate of the underlying soils will be used to properly size the bioretention areas and detention basins/infiltration basins to ensure that adequate volumes of runoff, in cumulative total for all bioretention areas and detention basins are captured and infiltrated. The water balance model will be updated and rerun for the site-specific conditions encountered to confirm the water balance. This measure shall be implemented to the satisfaction of the City Engineer. Energy dissipaters shall be used as the spillways of basins to reduce the runoff velocity and dissipate the flow energy. Drainage weir structures shall be constructed at the downstream end of the watersheds flowing to the San Jacinto Wildlife Area to control the runoff and spread the flow ~~in such a way~~ that the flows exiting the project boundary will return to the sheet flow pattern similar to the existing condition. Detention basins and spreading areas shall be designed to account for the amount of the sediment transported through the project boundary so that the existing sediment carrying capacity is maintained.

4.9.6.1B

The bioretention areas and detention/infiltration basins shall be designed to assure infiltrations rates. The monitoring plan will follow the guidelines presented by the California Storm Water Quality Association (CASQA) in the California Storm Water Best Management Program (BMP) Handbook, Municipal, January 2003 Section 4, Treatment Control Best Management Programs Fact Sheets TC-11 Infiltration Basin and TC-30 Vegetated Swale).

For the Bioretention areas, as needed maintenance activities shall be conducted to remove accumulated sediment that may obstruct flow through the swale. Bioretention areas shall be monitored at the beginning and end of each wet season to assess any degradation in infiltration rates. The maintenance activities should occur when sediment on channels and culverts builds up to more than 3 inches (CASQA 2003). The swales will need to be cultivated or rototilled if drawdown takes more than 48 72 hours.

For the detention/infiltration basins, a 3-5 year maintenance program shall be implemented mainly to keep infiltration rates close to original values since sediment accumulation could reduce original infiltration rate by 25-50%. Infiltration rates in detention basins will be monitored at the beginning and end of each wet season to assess any degradation in infiltration rates. If cumulative infiltration rates of all detention basins drops below the minimum required rates, then the detention basins will be reconditioned to improve infiltration capacity by scraping the bottom of the detention basin, seed or sod to restore groundcover, aerate bottom and dethatch basin bottom (CASQA 2003).

Response to Comment F-5-24. The commenter is stating “cumulative impacts of development in the region are not adequately addressed in the DEIR and the DEIR did not contemplate other reasonably foreseeable future project that may have a direct or indirect impact on receiving waters and the adjacent San Jacinto Wildlife Area, such as the proposed Mid County Parkway.”

The commenter should note that DEIR Section 1.6, Cumulative Impacts, explains that CEQA (Guidelines Section 15130) allows two different types of cumulative analyses to be conducted, and the lead agency is responsible to choose the most appropriate method based on the project and other local conditions. In this case, the City chose to use the “summary of projections” method (CEQA Guidelines Section 15130b.1.B) rather than the “list” method due to the size, location, and development phasing or horizon of the project. For the WLC project, the DEIR used the City’s General Plan buildout projections as a basis to characterize cumulative impacts.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The programmatic EIR for this project examined general project-type impacts of the WLC project as an incremental part of regional water quality impacts that will eventually occur as the general area develops with more suburban-level development (refer to DEIR Sections 4.9.6.2 *Construction-Related Water Quality Impacts* and 4.9.6.3 *Operational-Related Water Quality Impacts*). It was determined “although adherence to NPDES requirements is required of all development within the City for construction, the incorporation of these requirements as MMs 4.9.6.2A and 4.9.6.1B are designed to ensure that any future development within the WLCSP area obtains coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction permit.” DEIR Page 4.9-32. While on-site grading and development activities will increase the potential for the erosion of soils, adherence to the BMPs mandated by MM 4.9.6.2A and 4.9.6.2B will reduce impacts associated with short-term (construction) storm water discharges during project construction to a less than significant level.

As identified in Table 4.9.I (DEIR page 4.9-34), pollutants associated with the operations of the proposed logistics land uses include sediments, nutrients, toxic organic compounds, trash and debris, bacterial indicators, oil and grease, pesticides, and metals. Based on the *Water Quality Management Plan* (WQMP) prepared for the project (DEIR Appendix J-2), all downstream receiving waters to which a project directly or indirectly discharges have been identified. The selection of treatment controls for the project shall be based primarily on the potential pollutants associated with the project that are also present in impaired receiving waters. The WQMP identifies the following BMPs to be implemented that will minimize the project’s effects on site hydrology, urban runoff flow rates, and pollutant loads. This comprehensive water quality approach will be implemented throughout the project and will establish a three-tier program for achieving water quality goals through the enforcement of site design, source control, and treatment control BMPs. For operation the proposed project is required to implement MM 4.9.6.3A which requires each subsequent plot plan approval prepare a site-specific WQMP. The WQMP shall specifically identify site design, source control, and treatment control BMPs that shall be used on site to control pollutant runoff and to reduce impacts to water quality to the maximum extent practicable. MM 4.9.6.3C (refer to Response to Comment F-5-13) also requires for any development along the southern boundary of the WLCSP, the project developer of such sites, in cooperation with the Master Property Owners Association (MPOA), shall establish and annually fund a Water Quality Monitoring Plan to confirm that project runoff will not have deleterious effects on the adjacent San Jacinto Wildlife Area (refer to DEIR pages 4.9-37 through 4.9-42).

It is reasonable to assume that if each individual cumulative project mitigates its own water quality impacts, then the cumulative water quality impacts of even extensive development can be effectively mitigated to less than significant levels, which is what was indicated in DEIR Section 4.9.7 *Cumulative Impacts*, page 4.9-42.

Response to Comment F-5-25. DEIR Section 4.4.6 *Cumulative Impacts*, pages 4.4-63 – 64, discusses the cumulative impacts of the project on biological resources. The DEIR correctly assesses impacts for the SJWA. There would be no direct impacts to biological resources within the SJWA as a result of the implementation of the WLCSP. This is further strengthened by Criteria Cells along the northern section of the SJWA (the CDFW Conservation Buffer Area) and by Criteria Cells along Gilman Springs Road. The DEIR correctly assessed those areas and provided an analysis of the potential offsite impacts through the Urban/Wildlands Interface analysis discussed in both the MSHCP Consistency Analysis Document (Sections 5.2; 6.2; and 6.8.6) and in Sections 4.4.6.1 and 4.4.6.2 of the DEIR.

The objective of the MSHCP is to provide plant and wildlife species in Western Riverside County with secured lands to support the continued existence of the species. This is being done through conservation of existing lands with the SJWA being a major part of this effort in the San Jacinto Valley region through Existing Core H and the conservation of major portions of the Badlands to the east of the WLCSP in proposed Core 3.

Full development of the WLCSP could under the current fee schedule of the MSHCP provide more than \$16,000,000 toward the purchase of lands.

The loss of lands of the SJWA through the Mid County Parkway project within the southern area is an activity that was planned for in the MSHCP and the losses of 3.4 acres is a minor but expected loss. There is no loss on the northern boundary as a result of the WLCSP. A buffer has been created of 250 feet and within that buffer habitat enhancements are proposed as development occurs. These enhancements in the way of increased riparian habitat in the detention basins would replace current agricultural lands. Proposed detention basins in this buffer area would further control erosion and sedimentation that moves toward Mystic Lake and would improve water quality. There is an additional 150-foot building setback for structures, making the total setback from structures of 400 feet.

Response to Comment F-5-26. The City understands its obligations under CEQA relative to approving projects with significant environmental impacts, and the City will comply with CEQA in this regard.

Response to Comment F-5-27. The organization will be sent responses to all comments prior to any action being taken on the WLC project.

Letter F-6: Endangered Habitats League (April 8, 2013)

BY ELECTRONIC MAIL

April 8, 2013

Mark Gross, AICP (MarkG@moval.org)
Senior Planner, City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

RE: World Logistics Center DEIR Comments

Dear Mr. Gross:

The Endangered Habitats League (EHL) submits the following comments on the Draft Environmental Impact Report (DEIR) for the World Logistics Center (Project), a proposal to construct over 42 million square feet of warehouse space in a location where there is insufficient infrastructure to support it. For the last two decades, EHL has participated extensively in planning for sustainability and natural resource protection in Riverside County was a key stakeholder in the development of the County’s Multiple Species Habitat Conservation Plan (MSHCP), and has played a prominent role in regional transportation planning through participation in the Southern California Association of Governments’ development of Regional Transportation Plans. As we explain below, the Project constitutes an ill-conceived attempt to facilitate private investment return by burdening already congested local and regional highways with massive additional truck traffic that these highways cannot bear without heavy external congestion and pollution costs imposed on the public. Despite significant and purportedly unavoidable adverse traffic, climate change and air quality impacts, neither the Project proponent nor the City of Moreno Valley—the Lead Agency under CEQA—have made any attempt to explore the feasibility of environmentally superior alternatives involving direct rail access and egress to reduce the number of truck trips on highways.

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Unless this flaw is addressed, the final EIR will violate CEQA. It is well settled that under CEQA, a lead agency must make two sets of findings to approve a project with significant unavoidable impacts. The first finding must address how the agency responds to significant effects identified in the environmental review process, either by finding that these effects will be mitigated, or that “[s]pecific economic, legal, technological, or other considerations . . . make

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infeasible the mitigation measures *or project alternatives* identified in the final EIR.” (CEQA Guidelines § 15091, subd. (a)(3).) The second set concerns any statement of overriding considerations, permitting an agency to approve a project despite the existence of significant environmental impacts. (CEQA Guidelines, § 15093.) Because the findings requirements implement CEQA’s substantive mandate that public agencies refrain from approving projects with significant environmental impacts when there are feasible alternatives or mitigation measures that can lessen or avoid these impacts, an agency is prohibited from reaching the second set until it has properly addressed the first. (See CEQA Guidelines, § 15091, subd. (f), subd. (c); *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal. 4th 105, 134.)

Both sets of findings must be supported by substantial evidence in the record. (Pub. Res. Code § 21081.5; CEQA Guidelines, § 15091, subd. (b).) Any finding that an alternative is infeasible must not only reflect a reasoned analysis, but must be based on specific and concrete evidence. For example, in *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, the court rejected a finding of infeasibility of alternatives based on conclusory assertions of unacceptable cost, noting that “[t]he fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is *evidence* that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.” (Id. at p. 1181.) Only if this finding of infeasibility can properly be made may a lead agency rely on a statement of overriding considerations.

Applying these principles here, the DEIR does not even attempt to explore the feasibility of working with rail companies to extend a rail spur to connect with the Project. Whether couched as an alternative or mitigation, direct rail access to and from the Project site has the potential to take many thousands of polluting and dangerous trucks off of local highways, thereby substantially reducing air, GHG and traffic impacts that the DEIR without basis concludes are unavoidable. Because direct rail access is potentially feasible, it must be analyzed as an alternative or as mitigation to comply with CEQA.

Thank you for your attention to our concerns.

Very truly yours,

Michael D. Fitts

Staff Attorney

RESPONSES TO LETTER F-6

Endangered Habitats League

Response to Comment F-6-1. The commenter declared,

“The Endangered Habitats League (EHL) submits the following comments on the Draft Environmental Impact Report (DEIR) for the World Logistics Center (project), a proposal to construct over 42 million square feet of warehouse space in a location where there is insufficient infrastructure to support it. For the last two decades, EHL has participated extensively in planning for sustainability and natural resource protection in Riverside County was a key stakeholder in the development of the County’s Multiple Species Habitat Conservation Plan (MSHCP), and has played a prominent role in regional transportation planning through participation in the Southern California Association of Governments’ development of Regional Transportation Plans. As explained below, the project constitutes an ill-conceived attempt to facilitate private investment return by burdening already congested local and regional highways with massive additional truck traffic that these highways cannot bear without heavy external congestion and pollution costs imposed on the public. Despite significant and purportedly unavoidable adverse traffic, climate change and air quality impacts, neither the project proponent nor the City of Moreno Valley—the Lead Agency under CEQA—have made any attempt to explore the feasibility of environmentally superior alternatives involving direct rail access and egress to reduce the number of truck trips on highways.”

Rail was not considered a viable component of the proposed project for number of reasons. In response to this comment and other similar comments, a detailed response regarding the infeasibility of rail serving the WLC site is now included in the revised Traffic Impact Analysis (TIA) as Section 4.F (FEIR Volume 2, Appendix L-1). An additional section (Chapter 4, Section F, FEIR Volume 2, Appendix L-1) has been included in the TIA that analyzes the potential for serving project trips by rail. The analysis showed that rail service to the project site is not viable due to a range of factors, including high fixed costs, secondary impacts on the community, terrain, and capacity constraints within the rail system (refer to Responses to Comments G-53-4 and G-70-5).

It should be noted the Specific Plan area has been reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet down 2.4 percent from the original 41.6 million square feet.

Response to Comment F-6-2. The commenter is citing California Environmental Quality Act (CEQA) law as it relates to the City’s obligation to adopt a statement of overriding considerations and to make findings for impacts that are significant and unavoidable and for rejecting alternatives, specifically the environmentally superior alternative to the proposed project. The commenter states the City must first “mitigated significant environmental impacts or make findings that specific economic, legal, technological or other considerations make infeasible the mitigation measures or project alternatives identified in the Final (F)EIR. In addition, the Lead Agency can adopt a statement of overriding considerations permitting an agency to approve a project only after providing substantial evidence in the record that all feasible alternatives and mitigation measures to lessen or avoid impacts are properly addressed. The rail alternative identified by the commenter in Comment F-6-1 above, would not lessen the significant impacts of the proposed project and a rail alternative is not feasible. The revised TIA did analyze a rail alternative. That analysis is contained in Appendix L-1 in the FEIR Volume 2 (also refer to Responses to Comments G-53-4 and G-70-5). The City understands its obligations under CEQA relative to approving projects with significant environmental impacts, alternatives, etc., and the City will comply with CEQA in this regard.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-6-3. The commenter requests that the study address using rail as a mitigation measure. An additional section (Chapter 4, Section F) has been included in the TIA (FEIR Volume 2, Appendix L-1) that analyzes the potential for serving project trips by rail. The analysis showed that rail service to the project site is not viable due to a range of factors, including high fixed costs, secondary impacts on the community, terrain, and capacity constraints within the rail system (refer to Responses to Comments G-53-4 and G-70-5).

Letter F-7A: Lozeau Drury LLP (April 5, 2013)



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Via Electronic Email and Overnight Delivery

APRIL 5, 2013

Mark Gross
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City of Moreno Valley
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RE: Comment on the Draft Environmental Impact Report for the World Logistics Center Project (SCH # 2012021045)

Dear Mr. Gross:

I am writing on behalf of Laborers International Union of North America, Local Union No. 1184 and its members living in Riverside County (collectively "LIUNA Local Union No. 1184" or "LIUNA" or "Commenters") regarding the Draft Environmental Impact Report ("DEIR") prepared for the World Logistics Center Project, State Clearinghouse No. 2012021045 ("Project").

We have reviewed the DEIR with the assistance of:

1. Hydrogeologist, Matthew Hagemann, C.Hg., MS.
2. Biologist, Scott Cashen, M.S.
3. 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 DEIR is woefully inadequate and that a new supplemental EIR is required to be prepared and recirculated for public comment. In particular, the EIR suffers from the following significant errors and omissions, among others:

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- **BASELINE:** The DEIR fails to establish an accurate baseline for hazardous materials and biological resources by failing to conduct and/or rely on adequate surveys and/or assessments. 2
- **LOSS OF FARMLAND:** The DEIR acknowledges that the Project's conversion of approximately 3,500 acres of active and designated farmland is a significant impact, but the DEIR fails to adequately mitigate for the loss of farmland. Its conclusion that agricultural mitigation banks are infeasible is unsupported by substantial evidence. 3
- **AIR QUALITY:** The DEIR fails to adequately mitigate significant construction and operational air quality impacts. The DEIR also fails to adequately analyze and mitigate significant indirect source pollution. 4
- **BIOLOGICAL RESOURCES:** The DEIR fails to adequately analyze and mitigate the Project's impacts on biological resources. 5
- **GREENHOUSE GAS EMISSIONS:** The DEIR fails to adequately analyze and mitigate the Project's construction and operational GHG emissions. 6
- **HAZARDOUS MATERIALS:** The DEIR fails to establish an adequate environmental baseline for the Project site because (1) it relies on inadequate sampling of pesticides in Project site soils from past uses and (2) it failed to evaluate the entire Project site for potential hazards. 7
- **HYDROLOGY AND WATER QUALITY:** The DEIR fails to adequately analyze and mitigate stormwater impacts on water quality. 8
- **CUMULATIVE IMPACTS ANALYSIS:** The DEIR's entire cumulative impacts analyses are based on outdated and inaccurate summary of projections. The DEIR also fails to adequately analyze and mitigate the Project's cumulative impacts for the following topics: (1) agricultural resources, (2) biological resources, and (3) air quality. 9
- **ALTERNATIVES:** The DEIR fails to adequately analyze Project alternatives and fails to implement the environmentally superior Alternative 1. 10

Commenters urge the City to revise the EIR to adequately describe, analyze, and mitigate the Project and its impacts.¹ The revised EIR should be recirculated to allow public review and comment. 11

¹ We reserve the right to supplement these comments at later hearings and proceedings for this Project. (See, *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109.)

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.)

This mega-scale Project proposes to construct a maximum of 41.4 million square feet of “high-cube logistics” warehouse distribution uses classified as “Logistics Development” (LD) and 200,000 square feet (approx. 0.5%) of warehousing-related uses classified as “Light Logistics” (LL) on 2,710 acres within the World Logistics Center (“WLC”) Specific Plan. (DEIR, p. 3-19.) The Project will be used primarily for the storage and/or consolidation of manufactured goods, imported through the Ports of Los Angeles and Long Beach, prior to their distribution to secondary retail outlets. (DEIR, p. 3-26.)

In addition to the Specific Plan area, the Project site includes (1) 910 acres of the California Department of Fish and Wildlife (CDFW) Conservation Buffer area to the south, (2) 194 acres of Public Facilities Lands area, and (3) 104 acres of Off-site Improvement Area. (DEIR, p.3-26.)

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.)

The Project would require significant changes to the General Plan, overhaul of the existing Specific Plan and zoning changes, including:

- **General Plan Amendment:** The Project includes an amendment to the General Plan that will permit the establishment of logistics land uses on the 3,814-acre property. The following General Elements will be amended: Community Development; Circulation; Parks, Recreation and Open Space; Safety; Conservation; and General Plan Goals and Objectives. (DEIR, p.3-25.)
- **Adoption of a Specific Plan:** The Project includes a Specific Plan, the World Logistics Center Specific Plan, to implement the amended General Plan and is a master plan for the 2,710-acre site for the development of up to 41.6 million square feet of modern high-cube logistics and related warehouse distribution facilities defined as Logistics Development and Light Logistics. (DEIR, p.3-74.) The Project will also replace most of the currently approved Moreno Highlands Specific Plan (“MHSP”), which covers 3,038 acres of the project area. (DEIR, p.3-25.) The MHSP contemplates the development of a mixed-use community

consisting of up to 7,763 residential dwelling units and approximately 603 acres of business, retail, institutional, and other uses. (Id.)

- **Zone Change:** The Project includes a Zone Change covering the Project's entire 3,814-acre property, which will designate 2,710 acres for the World Logistics Center Specific Plan, 1,084 acres of land for Open Space, and 20 acres for Public Facilities. (DEIR, p.3-74.)

The Project also encompasses pre-annexation zoning for an 85-acre parcel of land and a Development Agreement between the City and Highland Fairview (the project applicant).

II. STANDING

Members of Local Union No. 1184 live, work, and recreate in the immediate vicinity of the Project site. These members will suffer the impacts of a poorly executed or inadequately mitigated Project, just as would the members of any nearby homeowners association, community group, or environmental group. Hundreds of LIUNA Local Union No. 1184 members live and work in areas that will be affected by traffic, air pollution, and water pollution generated by the Project.

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.

III. LEGAL STANDARDS

A. EIR

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR") (except in certain limited circumstances). (See, e.g., Pub. Resources Code, § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109 ("CBE v. CRA").)

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 Cal. Code Regs. ("CEQA Guidelines") § 15002(a)(1).) "Its purpose is to inform the

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public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.) The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.)

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. (CEQA Guidelines, § 15002(a)(2) and (3); See also, *Berkeley Jets, supra*, 91 Cal. App. 4th at p. 1354; *Citizens of Goleta Valley, supra*, 52 Cal.3d at p. 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (CEQA Guidelines, §15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub. Resources Code, § 21081; CEQA Guidelines, § 15092(b)(2)(A) & (B).)

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal. App. 4th at p. 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal. 3d 376, 391 409, fn. 12 (1988).) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at p. 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946.)

B. SUPPLEMENTAL EIR

Recirculation of an EIR prior to certification is required “when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented (cf. CEQA Guidelines, § 15162, subd. (a)(1), (3)(B)(1)); (2) a substantial increase in the severity of

15

16

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 DEIR fails to analyze significant environmental impacts pertaining to the Project and to fully consider available mitigation measures to address those impacts. A revised EIR is required to be prepared and recirculated to address these deficiencies.

IV. THE DEIR FAILS TO ACCURATELY ESTABLISH THE PROJECT'S ENVIRONMENTAL SETTING OR "BASELINE."

A. CEQA BASELINE STANDARD

To facilitate its informational goals, an EIR must contain an accurate description of the project's environmental setting, or "baseline." The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. (*Communities for a Better Environment v. So Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321.) CEQA Guidelines section 15125(a) states, in pertinent part, that a lead agency's environmental review under CEQA:

...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 (“*Save Our Peninsula*”).) As the court of appeal has explained, “the impacts of the project must be measured against the ‘real conditions on the ground,’” and not against hypothetical permitted levels. (*Id.* at 121-123.) The court has explained, using such a skewed baseline “mislead(s) the public” and “draws a red herring across the path of public input.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711.)

B. THE DEIR FAILS TO ADEQUATELY ANALYZE HAZARDS AND HAZARDOUS MATERIALS AND ESTABLISHES AN ERRONEOUS BASELINE.

1. Residual Pesticides in the Soil May Pose Health Risks to Workers and Nearby Residents.

The DEIR recognizes that the Project area has been historically used for dry farming and livestock grazing, and almost all of the Project area (3,238 acres or 97%) is currently dry farmed. (DEIR, pp. 4.4-4, 4.8-2.) Based on these uses of the Project site, there is a potential that residual pesticides remain in the soil, which may pose health risks to workers and nearby residents. However, the DEIR and supporting documents fail to provide any information reflecting the “real conditions on the ground” on the types of pesticides that have been used on the Project site in association with these agricultural operations. (*Save Our Peninsula, supra*, 87 Cal.App.4th at pp. 121-123.) Therefore, the DEIR fails to adequately describe the environmental setting for the Project and fails to serve its informational purpose.

According to Mr. Hagemann, the DEIR and the eighteen Phase I Environmental Site Assessments (“Phase I ESAs”) did not conduct adequate sampling of pesticides in Project site soils from past uses:

Eighteen Phase I Environmental Site Assessments (“Phase I ESAs”) were completed for the site from May 2003 to January 2013 and are included as Appendix I to the DEIR. The January 2013 Phase I ESA, which includes a summary of the findings of the previous Phase I ESAs, states that past uses of the site included a chicken ranch, three dairies, and agriculture (2013 Phase I ESA, p. 1).

The 2013 Phase I ESA states that there are no recognized environmental conditions (RECs)² associated with the Project site (2013 Phase I ESA, p. 35). Our review shows that the Phase I ESA and the DEIR do not thoroughly evaluate current soil conditions at the site. Failure to adequately disclose baseline conditions at the Project site that may result in significant impacts to construction workers and nearby residents.

18

Inadequate sampling of pesticides in Project site soils from past uses

Currently, the Project site is used for dry farming and wheat is typically grown on the Project site (DEIR, p. 4.2-2). The DEIR states that dry farming does not typically use pesticides (DEIR, p. 4.8-4) but our review of data for the Project site from the California Department of Pesticide Regulation (CDPR) shows that pesticides such as 2,4-D, 2-ethylhexyl ester were used on the site for wheat cultivation (see Attachment A).

The 2013 Phase I ESA, however, does not mention recent pesticide usage. The 2013 Phase I does include sampling results for organochlorine pesticides (OCPs). The ESA notes that OCP sampling results were below regulatory levels (2013 Phase I ESA, p. 2). However, only 52 samples were collected from the Project site in previous investigations.

19

The “Interim Guidance for Sampling Agricultural Properties” prepared by the Department of Toxic Substances Control (DTSC) recommends that, when testing for OCPs, samples for sites over 50 acres should be collected at over 60 locations.³ The Project site, at 2,710 acres, is well over 50 acres. Therefore, the 52 samples collected over the last ten years⁴ are likely insufficient to provide an accurate assessment of the Project site’s soil conditions and collecting such a limited number of samples may not reliably disclose current environmental concerns associated with Project site soils. In addition, because these samples were collected a minimum of eight years ago, sampling results are outdated and cannot be used to baseline conditions.

The Project site has been used for agricultural purposes since at least 1948 (2013 Phase I ESA, p. 15). OCPs such as DDT and DDE were used

² A REC is defined as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. See <http://www.astm.org/Standards/E1527.htm>

³ Department of Toxic Substances Control, Interim Guidance for Sampling Agricultural Properties (Third Revision). <http://www.dtsc.ca.gov/Schools/upload/Ag-Guidance-Rev-3-August-7-2008-2.pdf>, p. 8

⁴ 42 samples were collected in 2003, 9 samples were collected in 2004, and one sample was collected in 2005.

starting in 1940s.⁵ Although their use was banned in the 1970s, these compounds can persist in soil for hundreds of years.⁶

The limited number of samples collected on the Project site may not fully show the total extent of OCP concentrations throughout the Project site. The Applicant should disclose how many acres of the 2,710-acre site were historically and currently used for agricultural activities and should collect 60 soil samples per 50-acre portion. For example, if 100 acres of the Project site was used for agriculture, 60 samples on each 50-acre portion should be collected for a total of 120 samples.

(Exhibit 1, pp. 1-3.)

Based on Mr. Hagemann's findings, the DEIR fails to adequately disclose baseline conditions at the Project site by relying on inadequate sampling of pesticides in Project site soils. If contaminated soil exists at the Project site, construction workers, such as LiUNA members are likely to suffer some of the most significant exposures since they may come in contact with soil contamination during excavation, site grading and earth movement during Project construction.

2. The Phase I Environmental Site Assessments Completed for the Project are Outdated and Inadequate.

Additionally, the DEIR relies on Phase I Environmental Site Assessments (ESAs) which are outdated and inadequate, establishing an erroneous baseline for hazards and hazardous materials. (DEIR, p. 4.8-1; Appendix I.) According to Mr. Hagemann,

The Project site is currently used for wheat cultivation but no samples were collected in association with the 2013 Phase I ESA. Because the Project site is still used for agricultural purposes, relying on sampling results from eight years ago will not reflect pesticide residuals that may exist in site soils from agricultural use of the site from 2005 to present-day. Additional pesticide sampling, to include 2, 4-D, 2-ethylhexyl ester and any other pesticides that may have been used for wheat farming, should be conducted.

Project construction will require grading, excavation, vegetation removal, and trenching. Construction workers can be exposed, via inhalation and dermal contact, to pesticides in soil that can become airborne during these ground-disturbing activities. Exposure to these pesticides can pose significant health risks. Oral exposure to 2, 4-D, 2-ethylhexyl ester can

⁵ U.S. EPA, DDT – A Brief History and Status. <http://www.epa.gov/pesticides/factsheets/chemicals/ddt-brief-history-status.htm>

⁶ *Ibid.*, p. 3

result in vomiting, diarrhea, headache, confusion, and bizarre behavior. Dermal exposure can result in irritation and inhalation exposure can lead to coughing and burning sensations in the upper respiratory tract and chest.⁷ Exposure to DDT can result in headaches, nausea, and convulsions⁸ as well as damage the liver, nervous, and reproductive system.⁹

There are seven residences located onsite (DEIR, p. 4.5-12) and residences are also located directly adjacent to the Project site along the western boundary of the Project site (DEIR, Figure 3.8). These residents may also be adversely affected from exposure to pesticide-containing soil during Project construction. Inhalation of pesticide-contaminated soil has been linked to asthma in recent research.¹⁰ A report prepared by the California Department of Health identifies pesticides as an asthma trigger.¹¹

Limited soil sampling was conducted on the Project site eight years ago. Sampling did not target pesticides used for wheat cultivation, such as 2, 4-D, 2-ethylhexyl ester. Project soils should be tested for all pesticides that may have been used on the site. All sampling results should be compared to appropriate human health regulatory levels¹² as well as construction worker thresholds¹³ to determine if the Project may pose significant health risks. A revised DEIR should be prepared to disclose sampling results and any mitigation, if necessary, to ensure that the Project will not result in significant public health impacts.

(Exhibit 1, pp. 3-4.)

⁷ National Pesticide Information Center. 2, 4-D Technical Fact Sheet. <http://npic.orst.edu/factsheets/2,4-DTech.pdf>, p. 2.

⁸ U.S. EPA, DDE. <http://www.epa.gov/ttnatw01/hlthef/dde.html>

⁹ U.S. EPA, DDT. <http://www.epa.gov/pbt/pubs/ddt.htm>

¹⁰ U.S. National Library of Medicine, Pesticides and Asthma. <http://www.ncbi.nlm.nih.gov/pubmed/21368619>

¹¹ California Department of Public Health, Strategic Plan for Asthma in California, 2008-2012. <http://www.cdph.ca.gov/programs/caphi/Documents/AsthmaStrategicPlan.5-5-08.pdf>, p. 22.

¹² See California Human Health Screening Levels: <http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>

¹³ See Table K-2 of the February 2013 San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels: http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/ESL/Lookup_Tables_Feb_2013.pdf

3. The DEIR's Hazardous Conditions Baseline Does Not Include the Entire Project Area.

Moreover, the DEIR's hazardous conditions baseline is inaccurate since the DEIR and the eighteen Phase I ESAs failed to survey the entire Project site for potential hazards. According to Mr. Hagemann,

Our review of the areas evaluated in the 18 Phase I ESAs shows that an approximately 50-acre portion of the Project site located south of Alessandro Blvd., east of Merwin St., and north of Brodiaea Ave has not been surveyed (see Attachment B). The land use map in the DEIR shows that this area will be used for logistics development (DEIR, Figure 3.8).

Project construction will occur in areas that have not been surveyed by the Phase I ESA. Therefore, conclusions in the DEIR about the absence of environmental concerns on the Project site are not completely substantiated. If environmental hazards exist on this portion of the site, Project construction may pose significant risks to workers and other site personnel.

A new Phase I ESA should be prepared to survey, identify and disclose baseline conditions of the entire Project site, to be included with a revised DEIR. If hazardous conditions are found, all appropriate mitigation measures should be identified to prevent the exposure of workers to conditions that would present health risks during construction and operation of the Project.

(Exhibit 1, p. 4.)

Pursuant to Mr. Hagemann's recommendations, new sampling of Project soil must be conducted for all pesticides that may have been used on the Project site to establish an accurate hazardous conditions baseline. The entire Project site must also be evaluated for potential hazards. Thereafter, a revised DEIR must then be prepared to analyze and mitigate potential hazards and establish an accurate hazardous conditions baseline.

C. THE DEIR FAILS TO ESTABLISH AN ACCURATE BASELINE FOR SENSITIVE BIOLOGICAL RESOURCES.

Establishing an accurate baseline is the sine qua non to adequately analyzing and mitigating the significant environmental impacts of the Project. (See CEQA Guidelines, § 15125(a); *Save Our Peninsula, supra*, 87 Cal.App.4th at pp. 121-123.) Unfortunately, the DEIR's failure to investigate and identify the occurrences of sensitive biological resources at the Project site resulted in a skewed baseline. Such skewed

23

24

baseline ultimately “mislead(s) the public” by engendering skewed and inaccurate analyses of environmental impacts, mitigation measures and cumulative impacts for biological resources. (See *San Joaquin Raptor Rescue Center*, *supra*, 149 Cal.App.4th at p. 656; *Woodward Park Homeowners*, *supra*, 150 Cal.App.4th at pp. 708-711.)

1. The DEIR Fails to Accurately Disclose the Value of Project Site to Raptors.

The DEIR fails to adequately assess the value of the Project site as raptors’ habitat. Mr. Cashen, a biological expert, states,

The DEIR identifies the Project site as providing “marginal foraging habitat for some raptors species.”¹⁴ This statement is not substantiated by survey data. Indeed, two different studies that were conducted in the Project area demonstrate (or strongly suggest) that the Project site provides very important habitat for raptors.

McCrary et al. (1985) conducted a 2-year fall and winter study of raptors in the San Jacinto Valley to provide baseline data on populations in southern California and to quantify the importance of the valley as a wintering area for raptors.¹⁵ The study area was predominately agricultural lands (alfalfa and grain crops) and dairy farms, and it included the southern half of the Project site.¹⁶ The investigators detected 14 raptor species during their study, and raptor densities were 5 to 17 times higher than those reported for other regions. This led the authors to conclude that “*the San Jacinto Valley and similar surrounding areas are of major importance to wintering birds of prey.*”¹⁷

Beckman et al. (2011) replicated the raptor surveys between 2005 and 2009 and derived a comparable conclusion regarding the importance of the region to raptor species.¹⁸ Furthermore, both studies indicate the San Jacinto Valley provides important wintering grounds for the white-tailed kite, northern harrier, ferruginous hawk, golden eagle, and prairie falcon—all of which are special-status species. The State of California indicates 22 overwintering raptor species are known to utilize the San Jacinto Valley, and that the San Jacinto Valley consistently ranks in the top one to

¹⁴ DEIR, p. 4.4-28.

¹⁵ McCrary MD, RL McKernan, WD Wagner, RE Landry. 1986. Roadside raptor census in the San Jacinto Valley of southern California. *Western Birds* 17:123-130. (Attachment A).

¹⁶ *Ibid*, p. 123 and Figure 1.

¹⁷ *Ibid*. [emphasis added].

¹⁸ Beckman A, S Hoffman, R Zembal, and others. 2011. Roadside Raptor Surveys of the Santa Ana River Watershed in Riverside and San Bernardino Counties, California, 2005-2009 [Abstract]. 2011 Annual Conference of the Western Section of the Wildlife Society, Riverside, California. (Attachment B).

two percent in species diversity for the North American Christmas Bird Counts.¹⁹

(Exhibit 2, p. 2.)

2. The Burrowing Owl Surveys are Incomplete and Failed to Adhere to Survey Protocols.

The DEIR relies on burrowing owl surveys which are incomplete and failed to adhere to the MSHCP's survey protocols. (DEIR, p. 4.4-29; Appendix D.) Thus, the DEIR's biological resources baseline for burrowing owl is inaccurate. According to Mr. Cashen:

The Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP") identifies the Project site as being within an area requiring focused surveys for burrowing owls. The Applicant did not conduct surveys throughout all portions of the Project site that provide suitable habitat for burrowing owls, nor did it conduct surveys according to the protocol established by the MSHCP.²⁰

Burrowing owls occur in open habitat types (e.g., grassland, shrub steppe, desert, agriculture, and ruderal, among others) if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity.²¹ As the DEIR acknowledges, almost all of the Project site and surrounding buffer area provide potentially suitable habitat for burrowing owls.²² The DEIR suggests protocol surveys for the burrowing owl were conducted throughout the entire Project site, and that much of the Project site has been subject to several years of protocol-level surveys. To the contrary, the survey reports that accompany the DEIR suggest the burrowing owl surveys were cursory, and that some portions of the Project site providing suitable burrowing owl habitat were never surveyed.

2005 Surveys

In 2005, the Applicant's consultants used aerial photographs to categorize the potential (i.e., low, moderate, and high potential) for burrowing owls to occur in various portions of the 1,778-acre Bel Lago Property (a subset of the Project site). The consultants then conducted four surveys "on foot

¹⁹ State of California. 2008. San Jacinto Wildlife Area, Expansion 31, Riverside County [internet]. Available at: <http://bondaccountability.resources.ca.gov/NewsArticle.aspx?pid=4&id=133>

²⁰ Regional Conservation Authority. 2006. Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. Available at: <http://www.wrc-rca.org/library.asp#id164>.

²¹ CDFG. 2012. Staff Report on Burrowing Owl Mitigation. Available at: www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf.

²² DEIR, p. 4.4-29.

and by vehicle within suitable habitat on the Project site and within a 100-foot buffer around the suitable habitat.”²³ In my opinion, those surveys were insufficient for documenting habitat suitability; and the presence, abundance, and distribution of burrowing owls in the survey area.

First, the presence and abundance of suitable burrows is an essential element of burrowing owl habitat, and thus, the suitability of the habitat as a whole. It would have been impossible for the Applicant’s consultants to use aerial photographs to map the presence of burrows. This issue is confounded because the conclusions in the survey report pertaining to habitat suitability are internally inconsistent and/or are not supported by scientific literature. For example, the report first states habitat within the “low potential” area had little to no vegetation, but it subsequently states “low potential” habitat typically contained 100% vegetation coverage that provided poor habitat for burrowing owls due to limited visibility of ground dwelling species.²⁴

Second, the surveys did not adhere to the methods described in the California Department of Fish and Wildlife’s (“CDFW”) Staff Report on Burrowing Owl Mitigation, as required by the MSHCP. CDFW’s 2005 Staff Report states: “[s]urveys should be conducted by *walking* suitable habitat on the entire project site and (where possible) in areas within 150 meters (approx. 500 ft.) of the project impact zone.”²⁵ Indeed, administrators of the MSHCP have established that burrowing owl surveys that are conducted while driving are unacceptable.²⁶ Although the surveyors detected a breeding pair of burrowing owls on the Project site they did not conduct additional surveys to identify the location of the nest site.²⁷

2007 Surveys

The Applicant’s consultant conducted additional surveys for burrowing owls in 2007. However, the surveys were limited to the site for the 158.4-acre Highland Fairview Corporate Park and the surrounding 500-foot buffer zone.²⁸ The surveys did not encompass the location where

²³ *Ibid*, Appendix E. Michael Brandman Associates. 2005 Sep 12. DRAFT Focused Burrowing Owl Survey Report for the 1,778-acre Bel Lago Property, p. 6.

²⁴ *Ibid*, pp. 6 and 10.

²⁵ California Department of Fish and Game. 1995. Staff Report on Burrowing Owl Mitigation. [emphasis added].

²⁶ Regional Conservation Authority. 2006. Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. Available at: <http://www.wrc-rca.org/library.asp?id164>.

²⁷ DEIR, Appendix E. Michael Brandman Associates. 2005 Sep 12. DRAFT Focused Burrowing Owl Survey Report for the 1,778-acre Bel Lago Property, p. 6.

²⁸ *Ibid*. Michael Brandman Associates. 2008 Feb 5. Burrowing Owl Focused Survey: Highland Fairview Corporate Park.

burrowing owls were detected in 2005, and thus they were incapable of determining continued use of the site by the breeding pair.²⁹

2010 Surveys

In 2010, the Applicant's consultant conducted surveys within the 4,321-acres Highlands Specific Plan area. According to the survey report, a single biologist conducted the burrow survey (Part A of the protocol) and first focused burrowing owl survey (Part B of the protocol) between 0630 and 0730 hours on June 9, 2010.³⁰ Only areas identified in the initial survey as having potential burrows and adjacent foraging habitat for owls were surveyed during the remaining three surveys.³¹ As a result, the survey effort was limited to four drainages within the entire Project site and surrounding buffer zone.³² Such an effort would have been insufficient for documenting the presence, abundance, and distribution of burrowing owls within the Project site.

First, it would have been impossible for a single biologist to identify the presence of potentially suitable burrows across several thousand acres of potentially suitable habitat within one hour. Furthermore, the "Sensitive Plant Focused Survey" report indicates the biologist was conducting sensitive plant surveys within four drainages at the exact same time and date. Consequently, he could not have been conducting the burrow and burrowing owl survey across the entire Project site and buffer—as the report indicates.

Second, each of the remaining three focused surveys was limited to two biologists conducting surveys for one hour per day.³³ At the same time, one of the two biologists was reported to have been conducting surveys for sensitive plant species.³⁴ It would have been impossible for the biologists to reliably survey the four drainages for burrowing owls and sensitive plants during such a short period of time, especially given that there were numerous burrows throughout the survey area.³⁵

²⁹ *Ibid*, Exhibit 4. See also DEIR, Appendix E. Michael Brandman Associates. 2005 Sep 12. DRAFT Focused Burrowing Owl Survey Report for the 1,778-acre Bel Lago Property, Exhibit 4.

³⁰ DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Burrowing Owl Focused Survey: Highlands Specific Plan, p. 18.

³¹ *Ibid*, p. 13.

³² *Ibid*, Exhibit 4.

³³ *Ibid*, Table 2.

³⁴ DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, Table 3.

³⁵ *Ibid*. Michael Brandman Associates. 2010 Dec 13. Burrowing Owl Focused Survey: Highlands Specific Plan, p. 18.

The survey report indicates: “[t]here is no additional suitable habitat within 500 feet surrounding the project site. Therefore, although evaluated, protocol burrowing owl surveys were not conducted within the 500-foot buffer area.”³⁶ This statement is misleading and undermines the information presented in the DEIR. First, it is clear the Applicant’s consultant did not walk through (evaluate) the entire Project site and 500-foot buffer zone to determine the presence of potentially suitable burrows for burrowing owls. Second, the survey area appears to have been dictated by habitat suitability for sensitive plant species, which does not necessarily coincide with that for burrowing owls.³⁷ Third, the consultant’s statement conflicts with information presented in its 2005 survey report, which identifies most of the Project site as having “moderate potential habitat” for burrowing owls.³⁸ Fourth, the consultant’s statement conflicts with: (a) its map of vegetation communities; (b) imagery available through Google Earth (Figures 1 and 2); and (c) information provided in the DEIR.³⁹ These sources suggest there is considerably more suitable habitat for burrowing owls than suggested in the consultant’s 2010 survey report.

2007 and 2012 Surveys

The DEIR indicates focused burrow and burrowing owls surveys also were conducted in 2006 (750 acres) and 2012 (3,300 acres).⁴⁰ However, the DEIR does not provide survey reports or any other information that describes and documents the survey efforts. As a result, I am unable to evaluate the value of those survey efforts in providing information pertaining to the burrowing owl.

A single burrowing owl was observed within the temporary detention basin located south of the Highland Fairview Corporate Park during a March 2012 site visit associated with the Jurisdictional Delineation.⁴¹ Although this observation was important given the scarcity of owls in the MSHCP plan area, the Applicant’s consultant apparently made no attempt to determine the breeding status of the owl.

The Applicant’s consultant has concluded the burrowing owl “is not considered a permanent resident within the entire study area.”⁴² The

³⁶ *Ibid.*

³⁷ *Ibid.*, Exhibit 4. See also DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, p. 10 and Exhibit 5.

³⁸ DEIR, Appendix E. Michael Brandman Associates. 2005 Sep 12. DRAFT Focused Burrowing Owl Survey Report for the 1,778-acre Bel Lago Property, Exhibit 4.

³⁹ *Ibid.*, p. 4.4-29.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*, Appendix E, p. 46.

⁴² *Ibid.*

consultant has no basis for its conclusion because it did not conduct any surveys to evaluate winter residency. Moreover, it appears that at least one burrowing owl was detected south of the Highland Fairview Corporate Park (Skecher's Logistic Center) each time the area was surveyed.⁴³ This information, and the knowledge that burrowing owls have high site fidelity, strongly suggests that the burrowing owl is a breeding season resident on the Project site.



Figure 1. Potentially suitable burrowing owl habitat at proposed debris basin site east of Gilman Springs Road.

⁴³ *Ibid.*



Figure 2. Potentially suitable burrowing owl habitat at proposed debris basin site east of Gilman Springs Road.

(Exhibit 2, pp. 2-7.)

3. The DEIR's Baseline Fails to account for the Presence of Los Angeles Pocket Mouse.

The DEIR's baseline fails to account for the occurrences of Los Angeles Pocket Mouse at the Project site and consequently, fails to analyze and mitigate the Project's impacts on such species. According to Mr. Cashen,

The Los Angeles pocket mouse is a state listed Species of Special Concern and a MSHCP Group 3 species. The Los Angeles pocket mouse is associated with fine, sandy soils in intermittent drainages, non-native grassland, Riversidean sage scrub, Riversidean alluvial fan sage scrub, chaparral and redshank chaparral habitats.⁴⁴ The DEIR relays the opinion of the Applicant's consultant that the species is absent from the Project area.⁴⁵ That conclusion is unjustified for two reasons.

⁴⁴ MSHCP, Vol II-B, Species Accounts: Mammals. Available at: <http://www.wrc-rca.org/library.asp>

⁴⁵ DEIR, p. 4.4-30.

First, focused surveys for the Los Angeles pocket mouse were not conducted throughout all potentially suitable habitats. In 2005, trapping surveys were limited to nine acres of suitable habitat within "Drainage Feature 9."⁴⁶ In 2010, surveys were limited to trapping along approximately 1,000 feet of Drainage Feature 9, and within two ephemeral drainages (each also approximately 1,000 feet) dominated by mule fat but within an agricultural field.⁴⁷ Trapping surveys were never conducted in other portions of the Project area that contain potentially suitable habitat for the Los Angeles pocket mouse. These include: (a) the northern portion of "Drainage Feature 7" where it is associated with native vegetation; (b) the drainages and native vegetation communities east of Gilman Springs Road and north of Highway 60; (c) the grassland community within the Project area; and (d) the remaining scrub communities in the Project area.

Second, it is well established in the field of wildlife science that it is nearly impossible to prove absence. This is especially true for the Los Angeles pocket mouse, which appears to occur at low densities and is difficult to trap.⁴⁸

Potentially significant Project impacts to the Los Angeles pocket mouse cannot be properly disclosed, analyzed, and mitigated until trapping surveys have been completed throughout all potentially suitable habitats in the Project area and buffer zone.

(Exhibit 2, pp. 9-10.)

4. The DEIR Fails to Provide Sufficient Information on Special-Status Plant Species Which May be Impacted by the Project.

The DEIR never conducted protocol-level plant surveys. The surveys that the DEIR did rely on (1) did not encompass the entire Project area and (2) used inappropriate methodology. Therefore, the DEIR's baseline fails to account for all special-status plant species and as a result, fails to adequately analyze the Project's impacts on such species. According to Mr. Cashen,

Protocol-Level Plant Surveys Were Not Conducted

Failure to survey the entire Project area and buffer-

⁴⁶ *Ibid*, Appendix E. Michael Brandman Associates. 2005 Sep 26. DRAFT Focused Los Angeles Pocket Mouse Survey Report for the 1,778-Acre Bel Lago Property, p. 7.

⁴⁷ *Ibid*, p. 10.

⁴⁸ MSHCP, Vol II-B, Species Accounts: Mammals, p. M-92. Available at: <http://www.wrc-rca.org/library.asp>

The Applicant's consultant conducted rare plant surveys in June 2010. These surveys, however, were based on the footprint for the Highlands Specific Plan, and they were limited to four drainages within the Project site.⁴⁹ The Applicant's consultant did not survey any other portions of the Project area, including the Riversidean Sage Scrub communities, which the DEIR identifies as having the potential to support rare plant species that are not covered by the MSHCP.⁵⁰

CDFW survey guidelines indicate focused botanical surveys should be conducted *whenever natural or naturalized vegetation occurs on a project site* and the project has the potential for direct or indirect effects on vegetation.⁵¹ Natural and naturalized vegetation occur on and adjacent to the Project site, and the Project will have direct and indirect impacts on that vegetation.⁵² Therefore, to establish existing conditions and comply with CDFW guidelines, the Applicant needs to conduct appropriately timed botanical surveys throughout all portions of the Project area and buffer zone containing natural or naturalized vegetation. Data from those surveys are required to fully assess existing conditions, analyze Project impacts, and formulate appropriate mitigation for impacts to sensitive botanical resources.

Inappropriate methodology-

The methods used to survey special-status plants on the Project site had numerous flaws that have resulted in unreliable information on baseline conditions and Project impacts.

The Applicant's consultant concluded that three sensitive plant species have a "moderate" potential to occur on the Project site. The sensitive plant surveys were limited to a search for those three species.⁵³ The "list approach" implemented by the Applicant's consultant is not an accepted technique for disclosing and analyzing the impacts of a project. Indeed, the CDFW specifically advises against the "list approach" for botanical inventories. Its survey guidance states:

⁴⁹ DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, p. 2. and Exhibit 5.

⁵⁰ *Ibid*, pp. 4.4-26 and -27.

⁵¹ CDFG. 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Available at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html#Plants.

⁵² DEIR, Figure 4.4-1.

⁵³ *Ibid*, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, p. 1.

This list [of special-status plants with potential to occur within a particular region] can serve as a tool for the investigators and facilitate the use of reference sites; however, special status plants on site might not be limited to those on the list. Field surveys and subsequent reporting should be comprehensive and floristic in nature and *not restricted to or focused only on this list*...“Focused surveys” that are limited to habitats known to support special status species or are restricted to lists of likely potential species are not considered floristic in nature and **are not adequate** to identify all plant taxa on site to the level necessary to determine rarity and listing status.⁵⁴

As the survey report acknowledges, “[t]he focused plant survey...is not considered a comprehensive botanical survey to record all observed species within the survey areas.”⁵⁵

According to the survey report, the 2010 surveys were conducted within the known flowering period of the special-status species potentially occurring within the Project footprint.⁵⁶ However, the phenology of plants can vary considerably within the known flowering period depending on environmental conditions. Contrary to guidance issued by the CDFW, the Applicant’s biologist did not visit reference sites to determine the phenology of the target species and to confirm they were identifiable at the time of the surveys.⁵⁷

The sensitive plant surveys were limited to seven man-hours, during which time the biologist was also searching for burrowing owls.⁵⁸ In my opinion, it would have been impossible for the biologist to reliably survey the four drainages for burrowing owls and sensitive plants during such a short period of time.

Due to the issues described above, the DEIR lacks reliable information on existing conditions, and it is not possible for the City of Moreno Valley

⁵⁴ CDFG. 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Available at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html#Plants. [emphasis added].

⁵⁵ DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, p. 9.

⁵⁶ *Ibid.*

⁵⁷ CDFG. 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Available at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html#Plants.

⁵⁸ DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, Table 3. See also DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Burrowing Owl Focused Survey: Highlands Specific Plan, Table 2.

(“City”) to conclude special-status plant species are absent from the Project site.

(Exhibit 2, pp. 7-9.)

5. The DEIR’s Baseline Fails to Account for All Special-Status Species.

The DEIR fails to account for the presence of all special-status species, including Northwestern San Diego Pocket Mouse, San Diego Desert Woodrat, American Badger, Western Yellow Bat, Bell’s Sage Sparrow, Grasshopper Sparrow, White-tailed Kite, and Ferruginous Hawk and Merlin. Therefore, the DEIR’s biological resources baseline fails to account for such special-status species and as a result, fails to analyze the Project’s impacts on such species. More specifically, according to Mr. Cashen,

Northwestern San Diego Pocket Mouse

The Northwestern San Diego pocket mouse is a state listed Species of Special Concern. According to the DEIR, the Northwestern San Diego pocket mouse has a low potential of occurring in the Project area.⁵⁹ This conclusion is incorrect. The Applicant’s consultant captured seven Northwestern San Diego pocket mice during its 2010 trapping surveys on the Project site.⁶⁰ Development of the Project will have an adverse effect on the Northwestern San Diego pocket mouse. The City must disclose, analyze, and provide mitigation for this potentially significant impact.

San Diego Desert Woodrat

The San Diego Desert woodrat is a state listed Species of Special Concern. The Applicant’s consultant captured eight San Diego desert woodrats during its trapping surveys on the Project site.⁶¹ The DEIR does not disclose the presence of San Diego desert woodrats on the Project site, nor does it analyze potentially significant impacts to the (sub)species.

American Badger

The American badger is a state listed Species of Special Concern that is not covered under the MSHCP. The DEIR incorrectly states that the Project area does not contain habitat for the American badger.⁶² The

⁵⁹ DEIR, Table 4.4.D.

⁶⁰ *Ibid*, Appendix E. Michael Brandman Associates. 2010 Dec 13. Focused Los Angeles Pocket Mouse Survey Report: Highlands Specific Plan, Table 2.

⁶¹ *Ibid*. Michael Brandman Associates. 2005 Sep 26. Focused Los Angeles Pocket Mouse Survey Report for the 1,778-acre Bel Lago Property, Table 1.

⁶² *Ibid*, p. 4.4-27.

American badger occurs in herbaceous, shrub, and open stages of most habitats with dry, friable soils.⁶³ American badgers have the potential to occur on the Project site, especially in the patches of habitat that have not been subject to periodic discing. As a result, the City must disclose, analyze, and provide mitigation for potentially significant Project impacts to the American badger.

Western Yellow Bat

The western yellow bat is a state listed Species of Special Concern that is not covered under the MSHCP. The DEIR states there is no suitable habitat for the species in the Project area even though (a) no bat surveys were conducted for the Project; and (b) the species has been documented occurring in the Project region.⁶⁴

The western yellow bat is a “tree-roosting” species commonly found roosting in the skirt of dead fronds in both native and non-native palm trees.⁶⁵ It is believed to form small maternity groups in trees and palms, including in ornamental plantings in residential areas and orchards.⁶⁶ One of the primary threats to the species in the U.S. is the cosmetic trimming of palm fronds.⁶⁷ Palms occur in the Project area and presumably may be impacted by the Project.⁶⁸

Bats are very vulnerable to disturbance.⁶⁹ Construction activities associated with the Project have the potential to cause bats to abandon roosts and maternity colonies. The DEIR does not disclose, assess, or provide mitigation for this potentially significant impact.

⁶³ California Department of Fish and Game. California Interagency Wildlife Task Group. 2005. California Wildlife Habitat Relationships version 8.1 personal computer program. Sacramento, California.

⁶⁴ California Natural Diversity Database, Biogeographic Data Branch, Department of Fish and Game. 2012 Feb 7 (Version 3.1.0). See also DEIR, p. 4.4-27.

⁶⁵ Western Bat Working Group. 2005 [updated]. Species accounts. Available at: http://www.wbwg.org/species_accounts.

⁶⁶ California Wildlife Habitat Relationships System. 2005. California Department of Fish and Game. California Interagency Wildlife Task Group. CWHR version 8.1 personal computer program. Sacramento (CA). See also Western Bat Working Group. 2005 [updated]. Species accounts. Available at: http://www.wbwg.org/species_accounts.

⁶⁷ Western Bat Working Group. 2005 [updated]. Species accounts. Available at: http://www.wbwg.org/species_accounts.

⁶⁸ DEIR, Appendix E.

⁶⁹ Western Bat Working Group. 2005 [updated]. Species accounts. Available at: http://www.wbwg.org/species_accounts.

31

32

Bell's Sage Sparrow

The Bell's sage sparrow is a U.S. Fish and Wildlife Service ("USFWS") Bird of Conservation Concern, a CDFW Watch List species, and a MSHCP Group 2 species. The DEIR states there is no suitable habitat for the Bell's sage sparrow within the Project area.⁷⁰ The DEIR fails to acknowledge that the subspecies was detected during small mammal trapping surveys on the Project site.⁷¹ As a result, the City must disclose and analyze potentially significant Project impacts to the Bell's sage sparrow.

33

Grasshopper Sparrow

The grasshopper sparrow is a state listed Species of Special Concern. The species is not covered by the MSHCP because the species-specific conservation objectives defined in the MSHCP have not yet been met.⁷² The grasshopper sparrow was detected on the Project site.⁷³ However, the DEIR does not disclose, analyze, or provide mitigation for potentially significant Project impacts to the species.

34

White-tailed Kite

The DEIR concludes "[n]o suitable nesting habitat for white-tailed kite or American peregrine falcon occurs within the area due to historic agricultural activities, regular disking of the site, and dominance of sparse, non-native low-quality vegetation."⁷⁴ This conclusion conflicts with scientific information. White-tailed kites are known to nest in a variety of different tree species.⁷⁵ Furthermore, agricultural habitat, especially dryland field crops (e.g., wheat and barley), may play an important role as foraging habitat for nesting white-tailed kites because the fields are known to provide prey for foraging raptors. The City must disclose and analyze potentially significant Project impacts to the white-tailed kite.

35

⁷⁰ DEIR, p. 4.4-27.

⁷¹ *Ibid*, Appendix E. Michael Brandman Associates. 2005 Sep 26. Focused Los Angeles Pocket Mouse Survey Report for the 1,778-acre Bel Lago Property, Appendix A: Floral and Faunal Compendia.

⁷² MSHCP, Vol II-B, Species Accounts: Birds. See also MSHCP 2011 Annual Report, Table 25. Available at: <http://www.wrc-rca.org/library.asp>

⁷³ DEIR, Table 4.4.D.

⁷⁴ *Ibid*, p. 4.4-26.

⁷⁵ Niemela CA. 2007. Landscape characteristics surrounding white-tailed kite nest sites in Southwestern California. MS Thesis, Humboldt State University, Arcata, California.

Ferruginous Hawk and Merlin

The ferruginous hawk is a USFWS Bird of Conservation Concern and a CDFW Watch List species. The merlin is a CDFW Watch List species. The DEIR states the Project site provides suitable foraging habitat for these two species, but no suitable nesting habitat.⁷⁶ Both the ferruginous hawk and merlin are known to occur in the Project region.⁷⁷

It is well established that ferruginous hawks and merlins do not nest in California, and that the special-status designations for these two species apply to birds on their *wintering* grounds. Therefore, the lack of nesting habitat on the Project site is irrelevant to the potential for Project impacts under CEQA. As a result, the City must disclose and analyze Project impacts to the ferruginous hawk and merlin, and it must identify how potentially significant impacts to the two species would be mitigated.

(Exhibit 2, pp. 10-12.)

6. The DEIR Inaccurately Characterizes the Jurisdictional Status of Drainages of the Project area.

According to Mr. Cashen,

The DEIR states the drainage features in the Project area are not subject to the jurisdiction of the CDFW.⁷⁸ This statement is inconsistent with information provided in the Jurisdictional Delineation report, which identifies portions of Drainages 7 and 9 as being jurisdictional under 1600 of the Fish and Game Code.⁷⁹

The DEIR states that the Project site does not contain any features under the jurisdiction of the Regional Water Quality Control Board ("RWQCB").⁸⁰ This statement appears to be based on the false impression that features not under the jurisdiction of the U.S. Army Corps of Engineers are also not under the jurisdiction of the RWQCB.⁸¹

⁷⁶ DEIR, p. 4.4-27.

⁷⁷ eBird. 2011. eBird: An online database of bird distribution and abundance [web application]. Version 2. eBird, Ithaca, New York. Available: <http://www.ebird.org>. (Accessed: 2013 Feb 2).

⁷⁸ DEIR, p. 4.4-51.

⁷⁹ *Ibid*, Appendix E. Michael Brandman Associates. 2012 Apr 23. Assessment of Jurisdictional Waters and Wetlands, p. 42.

⁸⁰ *Ibid*, p. 4.4-59.

⁸¹ *For example*, see: DEIR, Appendix E. Michael Brandman Associates. 2012 Apr 23. Assessment of Jurisdictional Waters and Wetlands, p. 32.

The jurisdictional reach of Porter-Cologne Water Quality Control Act (i.e., RWQCB) extends to all “waters of the state.”⁸² That term is defined as “any surface water or groundwater, including saline waters, within the boundaries of the state.”⁸³ Because Porter-Cologne applies to any water and the federal Clean Water Act only applies to certain waters, California’s jurisdictional reach is broader and more comprehensive than the federal government’s.⁸⁴

(Exhibit 2, p. 13.)

In sum, the DEIR failed to adequately investigate and identify in sufficient detail the existence of all sensitive biological resources at the Project site. Consequently, the DEIR established a skewed biological resources baseline, ultimately resulting in the DEIR’s failure to analyze and mitigate the Project’s potential impacts on sensitive plants and wildlife. A revised DEIR must conduct the necessary surveys and investigations to establish an accurate baseline for biological resources.

V. THE DEIR FAILS TO ANALYZE AND MITIGATE ALL POTENTIALLY SIGNIFICANT IMPACTS.

An EIR must disclose all potentially significant adverse environmental impacts of a project. (Pub. Resources Code, § 21100(b)(1); CEQA Guidelines, § 15126(a); *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354.) CEQA requires that an EIR must not only identify the impacts, but must also provide “information about how adverse the impacts will be.” (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831). The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692 (“*Kings County*”).)

CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring mitigation measures. (CEQA Guidelines, § 15002(a)(2) and (3); See also, *Berkeley Jets*, *supra*, 91 Cal. App. 4th at p. 1354; *Citizens of Goleta Valley*, *supra*, 52 Cal.3d at p. 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (CEQA Guidelines, §15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that

⁸² State Water Resources Control Board. 2013 Jan 28. PRELIMINARY DRAFT: WATER QUALITY CONTROL POLICY for Wetland Area Protection and Dredged or fill Permitting, p. 4. Available at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wrapp/policy_draft.pdf

⁸³ *Ibid.*

⁸⁴ *Ibid.*

any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub. Resources Code, § 21081; CEQA Guidelines, § 15092(b)(2)(A) & (B).)

In general, mitigation measures must be designed to minimize, reduce, or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines, § 15370.) Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (*Id.*, at § 15126.4(a)(1)(B).) A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project’s potentially significant environmental impacts (Pub. Resources Code, §§ 21002, 21081(a)), and describe those mitigation measures in the CEQA document. (Pub. Resources Code, § 21100(b)(3); CEQA Guidelines, § 15126.4.) A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County, supra*, 221 Cal.App.3d at p. 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines, § 15364.) To demonstrate economic infeasibility, “evidence must show that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.” (*Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181.) The EIR must provide evidence and analysis to show project cannot be economically implemented. (*Kings County, supra*, 221 Cal.App.3d at pp. 734-737.) This requires not just cost data, but also data showing insufficient income and profitability. (See *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322, 327 (infeasibility claim unfounded absent data on income and expenditures showing project unprofitable); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 694 (upholding infeasibility finding based on analysis of costs, projected revenues, and investment requirements).) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (CEQA Guidelines, § 15126.4, subd. (a)(2).)

A lead agency may not conclude that an impact is significant and unavoidable without requiring the implementation of all feasible mitigation measures to reduce the impacts of a project to less than significant levels. (CEQA Guidelines, §§ 15126.4, 15091.)

A. THE DEIR FAILS TO ADEQUATELY MITIGATE FOR THE LOSS OF FARMLAND.

1. Preservation is an Appropriate Mitigation Measure for the Loss of Agricultural Resources.

Preservation can be used as a tool to mitigate impacts of urbanizing land and it is encouraged and supported by legislative pronouncements and case law. For example,

[s]ee the following legislative pronouncements to the effect that conversion of agricultural land is of significant concern, and that the preservation of agricultural land is significant goal of the state. Gov. Code, § 51220 (Williamson Act findings that agricultural preservation is valuable and necessary); Civ. Code, § 815 (legislative declaration that preservation of agricultural lands “is among the most important environmental assets of California”); Pub. Resources Code, § 10200 *et seq.* (California Farmland Conservancy Program Act (formerly the Agricultural Land Stewardship Program of 1995), promoting the establishment of agricultural easements as a means to preserve agricultural land); Pub. Resources Code, §§ 21031.1, 21061.2, 21095 (CEQA provisions requiring the Resources Agency to take steps it to ensure that the environmental effects of agricultural land conversion are quantitatively and consistently considered in the environmental review process); Stats. 1993, ch. 812, § 1, subd. (d) (declaring a legislative intent that CEQA should play an important role in the preservation of agricultural lands).

In *Mira Mar [Mobile Community v. City of Oceanside]* (4th Dist. 2004) 119 Cal. App. 4th 477 [14 Cal. Rptr. 3d 176]], the court heard a challenge to the City of Oceanside’s approval of a condominium project on 7.5 acres of private property. The project would cause the loss of about .86 acres of coastal sage scrub, which was identified as a significant impact to a sensitive resource. The EIR required the applicant to mitigate for this loss at a ratio of 3 to 1 (or 2.58 acres of mitigation for .86 acres of lost habitat). In implementing this mitigation measure, the city required the preservation of .65 acres of undisturbed coastal sage scrub, the restoration and preservation of 2.3 acres of disturbed coastal sage scrub, and the creation of .63 acres of new coastal sage scrub on site. Petitioners argued that this mitigation was inadequate because *preservation* of coastal sage scrub does not mitigate for lost habitat, making the measure “illusory and inadequate.” 119 Cal. App. 4th 477, 495. The Court of Appeal disagreed, citing CEQA Guidelines section 15370, as well as the opinions of various resource agencies, for the proposition that preservation can be a feasible means of reducing or eliminating the impact of lost habitat.

While the *Mira Mar* case deals specifically with biological and habitat resources, the reasoning of this case seems to have more general applicability to mitigation for lost resources, including agricultural resources.

(Guide to CEQA, Michael H. Remy, et. al., eleventh edition, p. 549-550.)

2. The City Should Preserve Agricultural Land To Prevent Continual and Systematic Losses of Such Land.

According to Mr. Gregory House, an agricultural expert, there are many reasons to preserve agricultural land in the City of Moreno Valley:

— Moreno Valley, including the subject property has many physical advantages for agricultural production including a benign climate, good soils and sufficient [*sic*] water at a cost competitive in southern California and many areas of the Central Valley of California.

— Moreno Valley's location creates huge marketing opportunities for direct marketing of agricultural produce to the four-county area of Los Angeles, Orange, Riverside and San Bernardino urban area.

— Moreno Valley's location also creates a cost of transportation advantage for commodity crops and products needing processing, such as fresh milk in the nearby metropolitan areas. For several years California dairies have participated in a price pooling that attempts to standardize raw milk prices to milk processors throughout the state. Since the cost of transporting the raw milk to the bottling plants is a significant cost, the farther the milk source is from the plants, the higher the transportation cost charged to the dairyman. With the increasing costs of fuel for transport, milk processors south of the Techacapi Mountains are finding it increasingly difficult to source adequate amounts of raw milk. The situation is a growing problem without an immediate solution.⁸⁵ This creates an opportunity for Riverside County dairyman that a decade ago did not exist.

— Agriculture is a vibrant industry that is very adaptable and quickly changes to meet new challenges and opportunities. New opportunities on the horizon include dry farming of biofuel crops; urban farming and direct marketing of high value food crops such as fruits, vegetables, eggs and honey; and changing economics in milk production. Moreno Valley has potential in all of these agricultural opportunities.

⁸⁵ See *Milk must move farther to serve south-state plants*, Ag Alert, March 27, 2013.

— There is a huge and growing interest in urban agriculture and small farming among people of all ages, but especially young people under 30 years of age. The Secretary of Agriculture recently called for the development of 100,000 new farmers during his tenure at USDA, most of whom are acknowledged to be, and intended to be, young persons. USDA has implemented many new programs to effect this sea-change, including a new program of low-interest micro-loans for new and beginning farmers.

— Growing interest in sustainable urban planning is examining the importance of local agriculture to the long term food security and resilience of local economies. With the inevitable increases in food transportation costs, it is incumbent upon the City of Moreno Valley to plan for its long term sustainability. As food is essential, so is agriculture to a sustainable and vibrant local economy.

(Exhibit 3, pp. 11-12.)

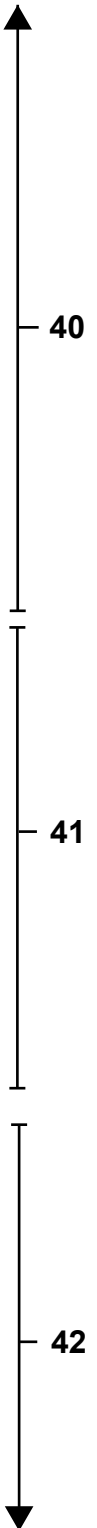
3. The DEIR Fails to Adequately Mitigate the Loss of Farmland.

The Project proposes to convert vast acres of farmland to industrial uses. Over 90 percent of the Project site is designated farmland – 25 acres designated as Unique Farmland and 3,389 acres of Farmland of Local Importance. (DEIR, p. 4.2-7.) 97%, or 3,238 acres, of the Project site is currently used for dry farming. Not surprisingly, the DEIR admits that the loss of approximately 3,500 acres of active and designated farmland will result in significant impacts on agricultural resources. (DEIR, pp. 4.2-16 ~20, 4.4-4, 4.8-2.)

For reasons set forth below, the DEIR fails to adequately mitigate the Project's significant impacts to valuable agricultural resources.

(a) The DEIR's Conclusion that it is Economically Infeasible to Mitigate the Significant Loss of Farmland is Unsupported.

The DEIR cites to the decline of agricultural industry in the Inland Empire to conclude that any mitigation that would artificially preserve or prolong agricultural activities on the Project site would be infeasible and unnecessary. (DEIR, p. 4.2-17.) However, the DEIR fails to offer any concrete analysis of the economic feasibility of agricultural production in the Project area. Moreover, the DEIR blatantly ignores the important fact that over 90% of the Specific Plan site is currently farmed and contributing to the local economy.



Mr. House agrees:

The studies do not offer any tangible analysis of the economics of agricultural production in the area, however, and this is a serious deficiency of the “significant and unavoidable impact” finding of the DEIR. How can the DEIR conclude no agriculture is viable without an analysis of its feasibility? The very fact that agriculture in the form of dry farmed wheat continues on the subject property begs the question that if it is not economically remunerative, why does it continue?

Information is available to conduct a well documented, considered feasibility study of agricultural enterprises in the Moreno Valley area. The University of California Cooperative Extension (UCCE) publishes an extensive collection of studies on the costs, income and profitability of hundreds of crops. A brief view of the archives for the Southeast Interior area of California, which includes Riverside County, lists indicates that UCCE studies are available on the profitability of such crops as alfalfa, avocados, barley, beans, broccoli, cabbage, cantaloupes, carrots, corn, grain, grapefruit, lemons, lettuce, melons and wine grapes. Any real attempt to analyze the feasibility of agriculture in Moreno Valley would reference these studies and examine them for relevant information concerning the viability of agriculture in the Moreno Valley area.

While it is clear that local trends are reducing agriculture in the area, what is not been examined is any new trends that might affect the viability of agriculture in the Moreno Valley area. For instance, the price of most agricultural commodities has risen substantially, some 30 to 50 percent, in the last several years. The Riverside County Agricultural Commissioner reports for 2011:

This year's report represents a total gross valuation of \$1,282,256,116, an increase of \$188.6 million (17.2%) over the 2010 value and a new record for Riverside County. Agricultural crops rose 15.4% to \$990,225,736, while Livestock and Poultry production increased nearly 24% to \$202,030,380.

This does not sound like a dying industry.

In that previous mentioned economic feasibility study of a small property in Moreno Valley which we conducted last October, We concluded that the operation, which would utilize irrigation water from Eastern Municipal Water District (EMWD), would likely produce an annual net profit of approximately \$60,000 per acre, after all expenses were paid.

(Exhibit 3, pp. 8-9.)

The DEIR's conclusion that mitigating the loss of farmland is economically infeasible is not supported by substantial evidence. (See CEQA Guidelines, § 15364; *Citizens of Goleta Valley, supra*, 197 Cal.App.3d at p. 1181; *Kings County, supra*, 221 Cal.App.3d at pp. 734-737.) On the contrary, evidence supports a finding that such mitigation is not only economically feasible but could actually be economically beneficial for the City.

42

(b) The DEIR's Conclusion that an Agricultural Mitigation Bank is Infeasible is Not Supported by Substantial Evidence.

The DEIR hastily considers contributing to an agricultural mitigation bank (or agricultural conservation easements) to mitigate the loss of farmland and just as quickly dismisses it. (DEIR, p.4.2-17.) The DEIR rationalizes that since Riverside County had deemed mitigation banks infeasible, it would be infeasible to carry out such a mitigation measure on a citywide basis. (*Id.*) However, Riverside County's dismissal of mitigation banks back in 2003 is not sufficient evidence to support a finding that agricultural mitigation bank for this Project is infeasible for the City for this Project in this instance.

According to Mr. House, countless cities have demonstrated that agricultural mitigation is feasible at the municipal level:

43

There are numerous examples of cities in California that have chosen to conserve their agricultural resources independently of local county policies. The City of Davis, for instance, where we live, established an agricultural land mitigation requirement in 1995 and in 2007 increased the mitigation ratio such that 2 acres of farmland are conserved for every one acre converted to urban uses.

Numerous other cities in California also have agricultural mitigation requirements, including Stockton, Lathrop, Manteca, and Tracy in San Joaquin County; Brentwood in Contra Costa County; Elk Grove in Sacramento County; and Woodland in Yolo County. Bakersfield in Kern County in 2007 began requiring mitigation of agricultural land loss in 2007, Salinas in Monterey County has used agricultural conservation easements to limit its urban growth, and the City of Morgan Hill in Santa Clara County, a rapidly urbanizing area within Silicon Valley, is in the process of establishing an agricultural mitigation program that will utilize agricultural conservation easements paid for by developers.⁸⁶

(Exhibit 3, pp. 9-10.)

⁸⁶ Gregory House, co-author of this report is consultant to Morgan Hill on the creation of this program

Additionally, conservation easements are widely accepted as a feasible way to mitigate a project's impacts to agricultural resources. Agricultural conservation easements can be accomplished in two ways: (1) by permanently preserving farmland or (2) by requiring conservation fees from developers. According to Mr. House,

Conservation easements have been used for decades to conserve agricultural land where it is threatened by conversion to other uses. The American Farmland Trust has recently written a paper entitled Saving Farmland, Growing Cities which describes conservation easements in easy to understand terms.

Conservation easements area means of permanently preserving farmland under legal covenants voluntarily agreed to by landowners. Their purchase provides compensation to landowners who want to recover equity from their property while continue to farm it, something that would be impossible if they were to sell the land for non-agricultural purposes. Not only does this provide an innovative solution that recognizes private property rights, but it also provides an injection of capital into the agricultural economy.

...Funding for conservation easements can come from many sources...

An increasingly popular alternative is to require developers who convert farmland to pay a fee to preserve a comparable amount of land or to acquire the land itself for preservation.

This can also satisfy the requirement that environmental impacts of development be offset or mitigated [u]nder the California Environmental Quality Act."

(Exhibit 3, p. 10.)

Mr. House also provides details on ways to implement such agricultural conservation easements:

The California cities mentioned above have a variety of strategies to implement their agricultural preservation programs. Some have opted for a in-lieu mitigation fee (which will later be used by the city to purchase a conservation easement), others require the develop to purchase a conservation easement directly. The ratio of land conserved to land converted is typically 1:1 although the City of Davis has a 2:1 requirement. The latter method of requiring developers to purchase the conservation easements, utilized by both Yolo County and the City of Davis, has several advantages: low administration costs, the cost of the easement is current market value for the developer, and there is less likely to be a

closed or fixed market of available properties as easement sources; the former method, a mitigation in-lieu fee, involves greater administrative costs by the governing agency, and can lead to a price floor on the purchase price of the conservation easements such as experienced in Elk Grove in the late 2000's.

A successful strategy to keep the price of the conservation easements affordable for developers (who typically plan to factor the cost of the easements into their overall finished home or commercial real estate product sales price) is for the municipality to permit the conserved agricultural land to be some distance from the city limits, thus reducing speculative influence on the price of the easement. Simply put, it is common to find property that is second or third tier from the city limits to be less costly than property immediately adjacent. Since the principal effect of the agricultural conservation easement is to extinguish any current or future potential subdivision or urban development rights, the further a property is from development in space and time, the less costly will be the price of the conservation easement.

We recently conducted a study of 25 conservation easements in northern and central California which supports the observation that the farther from existing development the lower the cost of the easement. Our study, which included easements in seven counties from Merced to Yolo and several urban areas with high land costs (agricultural land values at \$30,000 to \$50,000 per acre), indicated there is a wide range in the cost of the easement relative to the fee value of the land. The range (of the cost of the agricultural conservation easement as a percent of the fee value of the property) spanned from a low of 15 percent in Monterey County in 2000 to a high of 73 percent in Solano County in 2006. At the high end were properties immediately adjacent to urban areas, freeways, etc. At the low end were properties in largely rural areas, much less or not at all affected by real estate speculation on urban development.

Agricultural land-conversion mitigation is feasible and being conducted by numerous cities, as well many counties in California. It is a serious lack of the DEIR that it does not examine any of the current mechanisms being employed in so many parts of California, nor attempt to consider the feasibility of implementing an agricultural mitigation program.

(Exhibit 3, pp. 10-11.)

Therefore, the DEIR's conclusion that agricultural mitigation bank is infeasible is unsupported by sufficient analysis and evidence. (See CEQA Guidelines, § 15364; *Citizens of Goleta Valley*, *supra*, 197 Cal.App.3d at p. 1181; *Kings County*, *supra*, 221 Cal.App.3d at pp. 734-737.)

(c) The DEIR's Mitigation Measure to Dedicate 5-acres to Heritage Farming is Inadequate.

In lieu of implementing the more appropriate agricultural mitigation bank, the DEIR provides one mitigation measure to address the loss of over 3,400 acres of active farmland.⁸⁷ (DEIR, p. 4.2-17.) The mitigation measure proffers to dedicate meager 5-acres to "heritage farming." (*Id.*) However, at a minimum, the acceptable mitigation ratio is 1:1, conserving 1 acre of farmland for 1 acre lost. (See *Citizens for Open Gov't v. City of Lodi* (2012) 205 Cal.App.4th 296, 323.) Mr. House corroborates that the typical mitigation ratio is 1:1, with the City of Davis demonstrating that 2:1 is also feasible. (Exhibit 3, pp. 10-11.) Thus, 5 acres for "heritage farming" falls vastly short of the 1:1 minimum ratio and is insufficient to mitigate the permanent loss of almost 3,500 acres of active and designated farmland at the Project site.

44

(d) The DEIR Overlooks the Development of Irrigation as a Potential, Feasible Mitigation Measure.

According to Mr. House, a potential, feasible way to mitigate the sweeping loss of farmland at the Project site is to develop irrigation on the highly rated soils of farmland in the Project's vicinity. Mr. House states:

If Moreno Valley is serious about conserving agricultural land, it might consider requiring as a mitigation measure the development of irrigation on the very highly rated soils of the nearby dry land farming areas. This could be done with the recycled irrigation water discussed in the Agricultural Resource Assessment prepared by Parsons Brinckerhoff for the DEIR, which notes that "EMWD plans to continue to extending the distribution infrastructure for recycled water." Nothing would be more supportive of agriculture in the area than to increase the availability of irrigation water, and then place a conservation easement on that land which prohibits urban development.

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(Exhibit 3, p. 11.)

Mr. House's comments are premised on the fact that recycled water could be used to irrigate a wide variety of crops:

The DEIR presents conflicting information concerning the price and availability of water for crops and livestock in Moreno Valley. The Agricultural Resources Assessment prepared by Parsons Brinckerhoff in section 1.4 states that the cost of agricultural water is \$53 per acre-foot in

⁸⁷ Although the DEIR mentions another mitigation measure in the Agricultural Resources section, Mitigation Measure 4.2.6.1B, it is not detailed in the DEIR and appears to have been mentioned in error.

the winter and \$90 per acre foot in the summer. It later states in section 2.2.2 that the cost of recycled water varies from \$38 per acre foot to \$250 per acre foot, and that additional pipeline would be required to service the project site with recycled water bring the cost of the water to well over \$100 per acre foot.

The same study summarily states that the “cost of irrigation Water makes the production of irrigated crops economically infeasible in the Moreno Valley area.” This is unsupported, and easily refuted by inquiry into the cost of water in such areas as the Central Valley of California. For instance, the water cost in the Arvin Edison Water Storage District (southern Kern County), the cost per acre foot of irrigation Water is \$130,⁸⁸ in Westlands Water District (Fresno County) the cost per acre foot is \$100 to \$400,⁸⁹ in the Del Puerto Water District (Merced County), irrigation water costs \$55 to \$225 per acre foot,⁹⁰ and in the Fallbrook Water District (San Diego County), irrigation water costs \$1,400 per acre foot.⁹¹ From this we discern that the stated EMWD rates for irrigation water would not be excessive relative to many highly productive agricultural areas of California, and do not pose a substantial competitive disadvantage for Moreno Valley agriculture especially for the higher value crops such as fruits and vegetables suitable for growing in Moreno Valley as described in section 4.1.1, above.

The Agricultural Resources Assessment prepared by Parsons Brinckerhoff also states, again without support, “Commonly, in a low-rainfall area like Moreno Valley, a crop requires three acre feet of water per year and the profit from a majority of crops in California ranges from \$0 to \$500 per acre per year.” This supposition does not take into account the wide variation in water usage by the many different crops that could be grown in Moreno Valley (see section 4.1.1 above) nor the timing of planting and harvest of such crops, nor rainfall that becomes stored soil moisture and thus contributes to crop evapotranspiration needs; nor advances in irrigation technology that could be utilized in Moreno Valley agriculture such as drip irrigation that reduce total irrigation water needs of crops.

We have recently (October, 2012) conducted a economic feasibility study of a 4-acre property in Moreno Valley that a local farmer wishes to use for the production of certified organic fruits and vegetables for sale to local stores and at farmers’ markets. As part of that analysis we investigated

⁸⁸ source: personal files of AEWS water bills

⁸⁹ source: (<http://science.kqed.org/quest/2012/05/04/q-a-with-jason-peltier-of-wwd/>) and Notice to Landowners of Proposed Water Rates, Charges and Land-Based Charges, Westlands Water District, January 4, 2013

⁹⁰ source: personal communication with landowner and water user, 2013

⁹¹ source: As Water prices rise, farmers face the ‘tipping point’, Ag Alert, June 8, 2011

water sources and concluded that water from Eastern Municipal Water District (EMWD) was the most reliable source. We calculated the crop water needs based on local Riverside area evapotranspiration data available from the University of California and the California Irrigation Management Information Service.⁹² From this we concluded that the wide variety of fruits and vegetables intended to be grown on the property would require approximately 1.7 acre feet of applied irrigation water per year using drip irrigation, only about half of the 3 acre feet supposed in the Parsons Brinckerhoff report.

As an aside, it should be noted that a wide variety of crops can be grown with recycled water; the DEIR correctly notes there are strict guidelines for its use and prohibition for use in growing food crops; however this does not affect feed crops, fiber crops, biofuel crops, and high value crops such as vegetable seeds.

(Exhibit 3, pp. 7-8.)

In conclusion, the DEIR fails to adequately analyze all feasible ways to adequately mitigate the loss of extensive agricultural land. Moreover, the fact remains that the very cause of the decline of agricultural industry in the Inland Empire, and within the City, is projects like the current one, which have converted or seek to convert valuable farmland to urban uses without adequate mitigation. As the City would have it, its continued failure to preserve farmland to make way for urbanization will eventually result in the complete eradication of all farmland within the City limits. To prevent such a catastrophic result, the DEIR must sufficiently analyze all potential mitigation measures and implement them to the extent feasible.

Thus, a supplemental EIR is required to analyze and require implementation of these feasible mitigation measures to reduce the Project's impacts on agricultural land.

B. AIR QUALITY IMPACTS HAVE NOT BEEN ADEQUATELY ANALYZED OR MITIGATED.

1. The DIER Fails to Mitigate Significant Particulate Matter Emissions from Project Construction to the Extent Feasible.

The DEIR recognizes that the impacts from emissions of particulate matter (PM10) during project construction will be significant. To mitigate such impacts, the DEIR requires compliance with regional rules, including portions of SCAQMD Rule 403, and adoption of Mitigation Measures 4.3.6.2A through 4.3.6.2D. The DEIR then concludes that despite mitigation, the Project's PM10 emissions will be significant and unavoidable (DEIR, p. 4.3-57.) However, the DEIR's conclusion of significant and

⁹² (www.ipm.ucdavis.edu/weather)

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unavoidable PM10 impact is flawed because it ignores other applicable and feasible mitigation measures. (*Id.*)

According to Mr. Hagemann,

Additional mitigation for particulate matter should be incorporated

Particulate matter (PM10) emissions from Project construction will exceed the South Coast Air Quality Management District (SCAQMD) thresholds throughout the construction period (DEIR, p. 4.3-55). The DEIR discusses SCAQMD Rule 403, established to reduce fugitive dust emissions, and provides the following four measures from Rule 403 as mitigation for the Project's significant emissions of PM10:

- all clearing, grading, earthmoving, or excavation activities shall cease when winds exceed 25 miles per hour per SCAQMD guidelines in order to limit fugitive dust emissions;
- the contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day;
- cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 0.6 meter (2 feet) of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicular Code Section 23114; and
- the contractor shall ensure that traffic speeds on unpaved roads and project site areas are 15 miles per hour or less to reduce fugitive dust haul road emissions (DEIR, p. 4.3-55).

Mitigation measures 4.3.6.2A through 4.3.6.2D also address PM10 emissions. However, the Project's PM10 emissions will be significant even after mitigation (DEIR, 4.3-57). Additional mitigation measures to reduce fugitive dust emissions are identified in Rule 403 but not in the DEIR. These measures should be identified in a revised DEIR to ensure that all applicable and feasible measures will be implemented to reduce Project emissions, to include:

- limiting fugitive dust emissions from any active operation, open storage pile, or disturbed surface area if the dust emission exceeds 20 percent opacity;
- prohibiting track-out to extend 25 feet or more in cumulative length from the point of origin from an active operation. Notwithstanding the preceding, all track-out from an active operation shall be removed at the conclusion of each workday or evening shift; and

- not disturbing an area of five or more acres, or with a daily import or export of 100 cubic yards or more of material, without utilizing at least one of the following measures at each vehicle driveway from the site to a paved public road:
 - installation of gravel pads;
 - pave any surface extending at least 100 feet and at least 20 feet wide;
 - utilize a wheel shaker and wheel washer to remove dirt and mud from tires and vehicles before they exit the site.⁹³

Rule 403 also states that active operations cannot be conducted unless all applicable best available control measures included in Table 1 are included.⁹⁴ Table 1 provides mitigation measures for trenching, cut-and-fill, truck loading, road maintenance, and earth-disturbing activities.⁹⁵ Project construction will require these types of activities. Review of the DEIR shows that not all measures listed in Table 1 are included as mitigation. A revised DEIR should be prepared that includes all applicable measures in Table 1. The Project, defined as a large operation⁹⁶ under Rule 403, should also follow all the applicable dust control measures listed in Table 2.⁹⁷

(Exhibit 1, pp. 5-6.)

2. The DIER Fails to Mitigate Significant Localized Construction and Operational Air Quality Impacts to the Extent Feasible.

The DEIR also recognizes that the construction and operation of the proposed Project has the potential to exceed localized thresholds that may affect sensitive receptors. (DEIR, p. 4.3-58.) However, the DEIR erroneously concludes, despite the availability of additional feasible mitigation measures, that such localized air quality impacts are significant and unavoidable.

According to Mr. Hagemann:

Air dispersion modeling shows that localized concentrations of PM10 emissions also exceed SCAQMD thresholds (DEIR, p. 4.3-66). Significant localized PM10 emissions will pose adverse health risks to nearby residents and construction workers. The DEIR, however, only states that

⁹³ South Coast Air Quality Management District, Rule 403. Fugitive Dust.
<http://www.aqmd.gov/rules/reg/reg04/r403.pdf>, pp. 403-6 – 403-7.

⁹⁴ *Ibid.*, p. 403-6.

⁹⁵ *Ibid.*, p. 403-13.

⁹⁶ *Ibid.*, p. 403-3.

⁹⁷ *Ibid.*, p. 403-19.

air quality impacts remain “significant and unavoidable” in the absence of feasible mitigation (DEIR, p. 4.3-66).

We have identified additional feasible mitigation measures that can further reduce PM10 emissions and mitigate these impacts to the extent feasible. For example, a recent ruling by the California Attorney General for construction of an industrial project in Jurupa Valley, a city located 17 miles west of the Project site, required the following measures:

- installation of air filtration systems in home of adjacent residents;
- air quality monitoring in surrounding area; and
- a “green” project site, including a 100kW capacity solar photovoltaic system, LEED Silver certified project buildings, and electric vehicle charging stations.⁹⁸

The press release accompanying the settlement⁹⁹ notes that Riverside County is home to numerous warehouse projects whose associated truck trips are negatively impacting resident health. Because the above-referenced mitigation measures were required for a similar project in a nearby city, it seems reasonable that these measures are feasible and should be implemented by the Applicant to protect resident health and local air quality.

Other mitigation, such as use of newer technology, should also be implemented to ensure that all feasible mitigation measures are being used to reduce emissions. Tier 4 technology, which applies to diesel engines used for off-road equipment,¹⁰⁰ uses new higher pressure fuel injection systems and electronic engine controls¹⁰¹ and can reduce PM10 emissions by 90% as compared to older technology.¹⁰² The DEIR discusses this technology but states that it will not be required until 2013 (DEIR, p. 4.3-57) and allow for the use of older Tier 3 technology in mitigation measure 4.3.6.2A (DEIR, p. 4.3-56). However, review of 40 CFR Part 1039, which establishes regulation about emissions standards, shows that Tier 4 technology will be phased in starting in 2011.¹⁰³ The

⁹⁸ State of California Department of Justice, Office of the Attorney General. Attorney General Kamala D. Harris Announces Settlement to Protect Public Health in Jurupa Valley. <http://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-announces-settlement-protect-public-health>

⁹⁹ *Ibid.*

¹⁰⁰ Clean Diesel Technology for Off-Road Engines and Equipment: Tier 4 and More. http://www.aem.org/AllDocuments/AEM/SRT/SRTTopics/DTF_Tier4WP_FIN.pdf, p. 2.

¹⁰¹ *Ibid.*, p. 3.

¹⁰² U.S. EPA, Nonroad Engines, Equipment, and Vehicles. Nonroad Diesel Engines. <http://www.epa.gov/otaq/nonroad-diesel.htm>

¹⁰³ See <http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm>; and <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=0a57ac29b59ade8455648e60e739a181&rqn=div5&view=text&node=40:34.0.1.1.5&idno=40#40:34.0.1.1.5.1.2>

U.S. EPA has recommended the use of Tier 4 technology on other projects under CEQA review.¹⁰⁴ Because Project emissions are still significant even after mitigation, equipment used for the Project should meet Tier 4 standards to achieve maximum reduction in emissions.

The Project is located in the South Coast Air Basin, which is designated non-attainment for PM10. Because the air basin suffers from poor air quality from PM10, significant emissions of PM10 can worsen regional air quality. Because the Project will result in significant PM10 emissions, all feasible mitigation measures should be implemented to reduce emissions to the maximum extent feasible to ensure that Project construction will not contribute to a degradation of air quality. A revised DEIR should be prepared to implement all recommended mitigation measures, to include air filtration systems in residents' homes, equipment with Tier 4 technology, and all applicable Rule 403 measures.

(Exhibit 1, pp.6-7.)

Pursuant to Mr. Hagemann's findings and conclusions, a revised DEIR should be prepared to implement all applicable and feasible mitigation measures to address localized air quality impacts to sensitive receptors.

3. The DIER Fails to Analyze or Mitigate Significant Indirect Source Pollution.

CEQA requires analysis of both direct and indirect environmental impacts. "Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects." (CEQA Guidelines, § 15126.2, subd. (a).) The Project will be a major source of indirect pollution since it will attract thousands of diesel trucks to the area. The emissions from these trucks will result in significant levels of diesel particulate matter, nitrogen oxides (NOx), reactive organic compounds (ROCs), greenhouse gases (GHGs) and other pollutants.

The EIR should analyze a requirement that the Project be required to implement mitigation measures similar to those required by San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 9510 – the Indirect Source Rule ("ISR"). Rule 9510 requires large sources of indirect air pollution to implement measures to reduce particulate matter and NOx pollution by approximately 50%.

¹⁰⁴ U.S. EPA Detailed Comments on the Draft Environmental Impact Statement for the Proposed Alta East Wind Project, Kern County, California, September 27, 2012.
<http://www.epa.gov/region9/nepa/letters/blm/ca/alta-east-wind-project-kern-county-deis.pdf>, p. 2.

Although the Project is not located in the San Joaquin Air Basin, and the SCAQMD does not have a similar rule, there is no question that the rule is “feasible,” which is the standard under CEQA. The fact that the rule is being implemented just over the county line in the SJVAPCD indicates that it is “feasible.” (See, *Hall v. U.S. Environmental Protection Agency* (9th Cir. 2001) 263 F.3d 926.) The rule has been upheld in court as within the Air District’s powers. There is no legal or technological reason that the rule could not be enforced as a CEQA mitigation measure as a way to reduce pollution from the Project by up to 50%.

The San Joaquin Air District promulgated Rule 9510, the “Indirect Source Rule,” on December 15, 2005. EPA approved SJVAPCD Rule 9510 as part of the California State Implementation Plan (“SIP”) May 9, 2011. (76 Fed. Reg. 26609 (May 9, 2011); 40 C.F.R. §52.220(c)(348)(i)(A)(3).) Industry groups challenged Rule 9510, but the District Court, Ninth Circuit Court, and California Courts upheld the rule. (*Cal. Bldg. Indus. Ass’n. v. San Joaquin Valley Air Pollution Control Dist.* (“*CBIA v. SJVAPCD*”) (2009) 178 Cal.App.4th 120, 126-127; *NAHB v. SJVAPCD*, 2008 U.S. Dist. LEXIS 70931 (E.D.Cal. 2008); *Nat’l Ass’n of Home Builders v. San Joaquin Valley Unified Air Pollution Control Dist.*, 627 F.3d 730 (9th Cir. 2010).) In upholding Rule 9510, the Court stated:

The District determined that increase in indirect source emissions, including new residential and commercial development, nullified emissions reductions achieved from other regulations...

In short, Rule 9510 targets indirect sources of air pollution. Rule 9510 sets target reductions for emissions associated with construction (“construction emissions”) and future operation of development projects (“operational emissions”). For construction, Rule 9510’s target is to reduce PM10 emissions by 45 percent and NOx by 20 percent as compared to emissions generated using “average” construction equipment in California. For future operation, Rule 9510’s target is to incorporate mitigation measures into project design to reduce emissions that would be otherwise indirectly caused by the project (e.g., increased traffic) over a 10-year period. The PM10 target is to reduce unmitigated operational emissions by 50 percent. The NOx target is to reduce emissions by 33.3 percent.

(*NAHB, supra*, US. Dist. LEXIS 70931, at *13-14.)

Rule 9510 defines an indirect source as “any facility, building, structure, or installation, or combination thereof, which attracts or generates mobile source activity that results in emissions of any pollutant, or precursor thereof, for which there is a state ambient standard.” (Rule 9510, §3.17; see also 42 U.S.C. §7410(a)(5)(C).)

Rule 9510 provides that any heavy industrial facility of 100,000 square feet or larger in size must apply for an Indirect Source Rule or “ISR” permit, Rule 9510 §2.1.4, prior to receiving final discretionary approval for its project. *Id.* at §5.0. The Rule

requires the Air District to formulate a list of site-specific pollution reduction measures to reduce construction emissions by 20% for nitrogen oxides (“NOx”) and 45% for particulate matter under 10 microns in diameter (“PM10”). (Rule 9510 at §6.1.) It also requires the Air District to formulate a list of site-specific measures to reduce operational emissions by 33% for NOx and 50% for PM10. (*Id.* at §6.2.)

A facility subject to Rule 9510 may achieve all or part of its emission reductions by paying a fee that the Air District must use to achieve pollution reductions elsewhere in the air basin. Rule 9510 §3.24 states, “Off-Site Fees shall only apply to off-site emission reductions required, and shall only be used for funding off-site emission reduction projects.” Off-site reductions achieved through the fee must be “obtained reasonably contemporaneous with emissions increases associated with the project.” (*Id.* at §5.5.) Rule 9510 contains a complex formula intended to achieve equivalent emission reductions off-site as would have occurred through direct compliance on-site, based on the average statewide cost of emission reductions. (*Id.* at §7.0.) The current cost of off-site pollution reductions is over \$9000 per ton. (*Id.* at §7.2.)

The DEIR should analyze and implement requirements similar to those set forth in Rule 9510, in an effort to mitigate the Project’s impacts of indirect source pollution. The rule is feasible as is evidenced by the fact that it is being implemented in the adjacent county. Requiring the Project to comply with the rule would reduce pollution by almost 50%.

C. THE DEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE IMPACTS TO BIOLOGICAL RESOURCES.

It is the policy of the State of California to “[p]revent the elimination of fish and wildlife species due to man’s activities, insure that fish and wildlife populations do not drop below certain self-perpetuating levels, and preserve for future generations representations of all plant and animal communities.” (Pub. Resources Code, § 21001, subd. (c).)

As discussed below, the DEIR contravenes the state preservation policy and fails to adequately assess the Project’s impacts to wildlife, especially sensitive species and native plants. As a result, the DEIR did not adequately mitigate the potential impacts to the extent feasible. The DEIR must be revised to analyze and evaluate all potential impacts to biological resources and, where appropriate, propose adequate mitigation measures with definite terms and verifiable performance standards.

1. The DEIR Fails to Adequately Analyze the Full Extent of the Project’s Impacts Due to lack of Survey Data.

Due to the inaccurate biological resources baseline (see Part IV.C, *supra*), the DEIR fails to adequately analyze the Project’s impacts to such resources. According to Mr. Cashen,

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For reasons previously discussed, project impacts to the burrowing owl, Los Angeles pocket mouse, and special-status plants cannot be sufficiently assessed due to the lack of comprehensive survey data. The lack of comprehensive survey data on burrowing owls is especially problematic because it is a MSHCP "Group 3" species (with additional survey needs and procedures), and because the species is known to occur on the Project site.

Burrowing Owl

Burrowing owls have been documented occurring on the Project site.¹⁰⁵ As a result, the Project is likely to have significant direct and indirect impacts on burrowing owl resources (including burrows, foraging habitat, and individual owls). However, the extent and magnitude (e.g., number of afflicted owls) cannot be fully evaluated and mitigated until surveys that comply with CDFW's 2012 survey requirements have been conducted. Moreover, it is not possible to rule out the potential for the Project to significantly impact burrowing owls until surveys that adhere to the protocol have been conducted.

(Exhibit 2, pp. 13-14.)

2. The DEIR Fails to Sufficiently Analyze Impacts to Raptor Habitat.

According to Mr. Cashen,

The City's analysis of Project impacts to raptor foraging habitat is limited to the following statements:

The WLCSP [World Logistics Center Specific Plan] and off-site facilities contain flat, open areas with sparse vegetation, which could be considered foraging habitat for some raptor species. Due to the regular, heavy disturbance associated with the various agricultural activities in the WLCSP and off-site facilities resulting in a rather limited prey base, and the limited size of the site in relation to the expansive foraging habitat in the near vicinity including both the CDFW Conservation Buffer Area and the SJWA [San Jacinto Wildlife Area], LSSRA [Lake Perris State Recreation Area] and the extensive Badlands to the east, the foraging habitat on site is considered marginally suitable and an adverse but not significant impact to raptor foraging habitat is anticipated.¹⁰⁶

¹⁰⁵ DEIR, Appendix E, p. 46.

¹⁰⁶ *Ibid*, p. 4.4-75.

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These statements are not supported by actual analysis.

First, neither the Applicant nor the City conducted any studies to quantify the prey base for raptors. Whereas agricultural activities can reduce the prey base, certain activities (e.g., harvesting, discing, mowing, flood irrigation, and burning) increase hunting efficiency by reducing cover or otherwise increasing the exposure of prey to foraging raptors. Indeed, some raptor species (e.g., Swainson's hawk) have learned to exploit the abundance of prey made available by agricultural activities. For example, Estep (1989) reported that Swainson's hawks in the Central Valley spent 52.8% of their foraging time hunting in apparent response to harvesting, discing, mowing, or irrigation.¹⁰⁷

Second, the Project site cannot be characterized as being of "limited size" in relation to the expansive foraging habitat in the vicinity. Indeed, the Applicant's consultant identified the study area as containing "extensive raptor foraging habitat."¹⁰⁸ The consultant also concluded that impacts to the large amount of raptor foraging habitat on the site may be a significant impact under CEQA.¹⁰⁹

Whereas I do not contest that there is a considerable amount of foraging habitat in the Project vicinity, it is overly simplistic for the City to conclude that the loss of over 2,700 acres of foraging habitat would not have a significant impact on raptors. Some raptor species are intolerant of even small amounts of urban development.¹¹⁰ For example, Berry et al. (1998) concluded that even small amounts of urbanization usually rendered *whole landscapes* unacceptable to bald eagles, ferruginous hawks, rough-legged hawks, and prairie falcons.¹¹¹ In addition, raptors that are displaced from the Project site to suboptimal habitats would likely experience reduced survivorship. Thus, the City's analysis of Project impacts to raptors must consider (a) the size and configuration of remnant foraging habitat in relation to urbanization; and (b) the quality and carrying capacity of the habitat remaining in the region.

(Exhibit 2, pp. 14-15.)

¹⁰⁷ Estep JA. 1989. Biology, movements, and habitat relationships of the Swainson's Hawk in the Central Valley of California, 1986-87. Calif. Dept. Fish and Game, Nongame Bird and Mammal Sec. Rep., 52 pp. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentVersionID=70479>

¹⁰⁸ DEIR, Appendix E, p. 3.

¹⁰⁹ *Ibid.*

¹¹⁰ Berry ME, CE Bock, SL Haire. 1998. Biodiversity of open space grasslands at a suburban/agricultural interface, Part III: Abundance of diurnal raptors on open space grasslands in an urbanized landscape. Final report to the Biological Resources Division, U.S. Geological Survey and Department of Open Space/Real Estate, City of Boulder. Contract No. 1445-CA09-96-0025. Available at: <http://www.boulder.colorado.gov/> (Attachment C).

¹¹¹ *Ibid.*

3. The DEIR Fails to Disclose, Analyze, or Mitigate Biological Resources Impacts Associated with the Proposed Relocation.

According to Mr. Cashen,

The DEIR indicates burrowing owls, Los Angeles pocket mice, and perhaps other sensitive species may be “relocated” to the 250-foot setback zone along the southern boundary of the Project site. Relocating sensitive wildlife to the setback zone defeats its intent, which is to provide a buffer between the Project and sensitive biological resources. Moreover, relocating wildlife outside of the construction area does not ensure impacts are mitigated.

In a comprehensive review of translocation projects involving birds and mammals, Griffith et al. (1989) concluded overall success rates were apparently dependent on a variety of ecological factors, including the quality of the habitat where animals were released.¹¹² When an animal is moved to an unfamiliar location, it has no knowledge of the habitat resources essential for its survival (e.g., food, water, and cover). The lack of cover in an unfamiliar setting makes a prey species (e.g., Los Angeles pocket mouse) an easy target for predators. In addition, many animals exhibit an intrinsic homing response that is energetically taxing, and that may preclude procurement of food and cover resources. Elevated stress hormone levels an organism generates when it is handled and moved may synergistically interact with increased energetic demands to further reduce possibility of survival. Even if the translocated animal is placed in an area with readily available resources, aggressive competitors may prevent the displaced animal from accessing the resources, and from mating.

Burrowing owl-

Consistent with CDFW guidelines, passive relocation is a potentially significant impact under CEQA that must be analyzed.¹¹³ Specifically, the temporary or permanent closure of burrows may result in: (a) significant loss of burrows and habitat for reproduction and other life history requirements; (b) increased stress on burrowing owls and reduced reproductive rates; (c) increased depredation; (d) increased energetic costs; and (e) risks posed by having to find and compete for available burrows.¹¹⁴ The City must thoroughly analyze the effects of passive relocation if it may be implemented at the Project site.

¹¹² Griffith B, JM Scott, JW Carpenter, C Reed. 1989. Translocation as a species conservation tool: status and strategy. Science 245:477-480. (Attachment D).

¹¹³ CDFG. 2012. Staff Report on Burrowing Owl Mitigation, p. 10.

¹¹⁴ *Ibid.*

The need for full analysis of potential impacts from passive relocation is further supported by research that indicates most translocation projects have resulted in fewer breeding pairs of burrowing owls at the mitigation site than at the original site, and that translocation projects generally have failed to produce self-sustaining populations.¹¹⁵ Investigators attribute the limited success of translocation to: (a) strong site tenacity exhibited by burrowing owls, and (b) potential risks associated with forcing owls to move into unfamiliar and perhaps less preferable habitats.¹¹⁶

Each of these issues exemplifies the need for the Applicant to prepare a detailed translocation plan that is approved by the resource agencies before translocation occurs. At a minimum, the plan should contain:

1. an assessment of potential release sites, with special attention dedicated to estimating the size of the receiving population.
2. an assessment of threats at the release site (e.g., predators, pesticide use, land management activities), and a discussion of how these threats have been (or will be) mitigated.
3. a detailed description of the monitoring and adaptive management measures that will be implemented after animals are released.

(Exhibit 2, pp. 15-16.)

4. The DEIR Fails to Establish Adequate Buffers to Mitigate Potentially Significant Impacts of Air Pollution on Biological Resources.

The DEIR admits that buffer zones, or setbacks, are necessary to adequately mitigate the Project's potentially significant air pollution impacts to biological resources. (DEIR, pp. 4.4-62~72.) The South Coast Air Quality Management District ("SCAQMD") and the California Air Resources Board ("CARB") both recommend that a project's setbacks to sensitive receptors should be 1,000 ft.¹¹⁷ Contrary to such recommendation, the DEIR concludes that 250 ft setbacks would suffice. (*Id.* at p. 4.4-71.)

The DEIR's proposed 250 ft setback is inadequate for the following reasons: (1) the setback zones are insufficient to adequately mitigate the Project's air pollution impacts to biological resources, (2) the DEIR erroneously concludes that the

¹¹⁵ Smith BW, JR Belthoff. 2001. Burrowing owls and development: short-distance nest burrow relocation to minimize construction impacts. J. Raptor Research 35:385-391. (Attachment E).

¹¹⁶ *Ibid.*

¹¹⁷ SCAQMD's Review of the Draft Specific Plan for the Proposed World Logistics Center Project, p. 3, available at <http://www.aqmd.gov/ceqa/igr/2012/May/DSPworldlogistics.pdf>

recommended 1,000 ft setbacks are not necessary, and (3) the DEIR fails to explain why the recommended 1,000 ft setbacks are infeasible.

First, Mitigation Measure 4.4.6.1A's 250 ft setbacks are inadequate to serve their purpose of "buffering" biological resources from the Project's significant air pollution impacts. Mr. Cashen agrees:

According to the DEIR, "[t]he most significant potential environmental impact on local wildlife (i.e., within the SJWA and Badlands) may be exposure to vehicular exhaust and especially diesel particulates and toxic air contaminants from truck exhaust as the WLCSP project builds out. New development will produce *significant amounts* of diesel-related air pollutants that will be released into the atmosphere, including gases and particles of various sizes."¹¹⁸ Nevertheless, the City has concluded "[t]he 250-foot setback identified in Mitigation Measure 4.4.6.1A, and the presence of the CDFW Conservation Buffer Area, will effectively mitigate potential indirect impacts of air pollutants, including diesel particulate matter, on wildlife within the SJWA."¹¹⁹

The DEIR fails to establish a monitoring and reporting program to ensure the proposed buffer mitigates the effects of air pollution on wildlife, vegetation, and aquatic resources. Moreover, information provided in the DEIR does not support the City's conclusion that a 400-foot buffer is sufficient to mitigate Project impacts to a less-than-significant level. Specifically, the DEIR cites research by the California Air Resources Board ("CARB") that indicates 80 percent of the particulates generally settle out of the atmosphere within 1,000 feet of the emission source.¹²⁰ Analyses by both the CARB and the South Coast Air Quality Management District indicate that providing a buffer of 1,000 feet would substantially reduce diesel PM concentrations and public exposure downwind of a distribution center.¹²¹ Because wildlife may be more susceptible to air pollutant impacts than humans, one can infer that a buffer of at least 1,000 feet is needed to protect wildlife from air pollutants.¹²²

(Exhibit 2, pp. 17-18.)

Additionally, the DEIR admits that burrowing owls, Los Angeles pocket mice, and perhaps other sensitive species may be "relocated" to the 250-foot setback zone along

¹¹⁸ DEIR, Appendix E, p. 128. [emphasis added].

¹¹⁹ *Ibid*, p. 4.4-72.

¹²⁰ *Ibid*, p. 4.4-70.

¹²¹ California Air Resources Board (CARB) and California Environmental Protection Agency (CEPA). 2005. Air Quality and Land Use Handbook: A Community Health Perspective. Available at:

<http://www.arb.ca.gov/ch/landuse.htm>

¹²² DEIR, Appendix E, p. 129.

the southern boundary of the Project site. (DEIR, pp. 4-71~72.) However, as Mr. Cashen notes, relocating sensitive wildlife to the setback zone eviscerates the very purpose of establishing setbacks, which is to provide a buffer between the Project and sensitive biological resources. (See Exhibit 2, p. 15.) Therefore, the relocation component of Mitigation Measure 4.4.6.1A renders the setbacks, regardless of amount, ineffective to mitigate the Project's air pollution impacts on biological resources.

Second, the DEIR appears to conclude that the recommended 1,000 ft setbacks are not necessary. The DEIR rationalizes that the CDFW Conservation Buffer Area would function as an additional buffer to the 250 ft setback along the Project's southern boundary. (DEIR, pp. 4.4-69~70.) However, such rationale overlooks the fact that the CDFW Conservation Buffer Area may support the very wildlife that the setbacks are intended to protect. (DEIR, p. 4.4-11 [the DEIR admitting that the CDFW Conservation Buffer Area may support wintering raptors and game birds].) Therefore, the CDFW Conservation Buffer Area cannot be used in place of establishing the recommended 1,000 ft setback.

Finally, the DEIR does not provide sufficient reasons as to why the recommended 1,000 ft setbacks are infeasible. Accordingly, a revised DEIR must (1) revise Mitigation Measure 4.4.6.1A to prohibit the relocation of any impacted biological resources to setback zones and (2) adequately analyze the feasibility of 1000 ft setbacks to mitigate air pollution impacts to sensitive biological resources.

5. The DEIR Fails to Adequately Mitigate Project's Impacts to Special-Status Plant Species.

According to Mr. Cashen,

Mitigation proposed by the City for Project impacts to special-status plant species includes:

Prior to the approval of any Plot Plans for development within the project area, the applicant shall submit a biological assessment of the proposed development site prepared by a qualified biologist to identify if any of the following sensitive plants (i.e., Coulter's goldfields, smooth tarplant, or thread-leaved brodiaea) are present on the proposed development site. If plants are found in the proposed development area, they may be relocated to the 250-foot clear setback area outlined in the Specific Plan and discussed in Mitigation Measure 4.4.6.1A. Alternatively, an appropriate impact fee may be paid to the Western Riverside County Regional Conservation Authority (RCA) or other appropriate conservation organizations to offset for the loss of these species on the WLC project site.¹²³

¹²³ *Ibid*, pp. 4.4-74 and -75.

The proposed measures do not ensure Project impacts to special-status plant species are mitigated to a less-than-significant level.

First, Coulter's goldfields, smooth tarplant, and thread-leaved brodiaea are MSHCP Group 3 species. As a result, if any of these species occur within a proposed development area, the City must require the project proponent to conform to the procedures listed in Section 6.3.2 in the MSHCP. Section 6.3.2 states: "[f]or locations with positive survey results, 90% of those portions of the property that provide for long-term conservation value for the identified species shall be avoided until it is demonstrated that conservation goals for the particular species are met."¹²⁴

Second, the special-status plant species with the potential to occur in the Project area are not limited to the three species identified in the mitigation measure.¹²⁵ In accordance with CDFW guidelines, the City must require surveys that are floristic in nature, meaning that every plant taxon that occurs on site is identified to the taxonomic level necessary to determine rarity and listing status.¹²⁶

Third, the DEIR suggests mitigation may be limited to relocating plants to the buffer area. Although salvage and relocation have some merits as a last resort, it is generally not an effective means of mitigating impacts. Fiedler (1991) conducted a thorough review of mitigation-related transplantation, relocation and reintroduction attempts involving special-status plants in California.¹²⁷ The author reported only 8 of the 53 (15%) attempts reviewed in her study should be considered fully successful.¹²⁸ Although Fiedler reported several causes for the failed attempts, the common result was that the plants died. Unless the City can provide evidence that potentially impacted plants can be transplanted and/or propagated successfully, it must require fee payment to the Regional Conservation Authority.

Fourth, the City must identify the specific mitigation measure (or suite of potential measures) that will be required if a sensitive plant or animal

¹²⁴ MSHCP, Vol I, Section 6.3.2. Available at: <http://www.wrc-rca.org/library.asp>

¹²⁵ *Ibid*, Table 4.4.D.

¹²⁶ CDFG. 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Available at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html#Plants.

¹²⁷ Fiedler PL. 1991. Mitigation-related transplantation, relocation and reintroduction projects involving endangered and threatened, and rare plant species in California. Final Report. Available at: nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=3173.

¹²⁸ *Ibid*.

species that is not covered under the MSHCP is detected within a proposed development area.

(Exhibit 2, pp. 18-19.)

6. The DEIR Fails to Adequately Mitigate Impacts to Burrowing Owls.

According to Mr. Cashen,

The conservation goals established in the MSHCP have not yet been met for the burrowing owl, and thus sites with burrowing owls appear to be subject to the provisions listed in Section 6.3.2 in the MSHCP.¹²⁹ Because the burrowing owl was recently (2012) detected on the Project site, the City needs to clarify whether the Project is subject to the provisions of MSHCP Section 6.3.2. If the Project is subject to those provisions, the City must identify how the Project will be capable of avoiding 90% of those portions of the site that provide for the long-term conservation value for the burrowing owl.

Burrowing owls have the potential to occupy the Project site prior to development.¹³⁰ The DEIR indicates “[t]his is a potentially significant impact requiring mitigation.”¹³¹ However, it fails to define the impact(s) or provide any mitigation to offset the impact(s). Instead, it simply requires a pre-construction survey, establishment of buffer zones around active burrows, and the exclusion of owls from their burrows during the non-breeding season (which in itself is a potentially significant impact).

Pre-construction Survey

The DEIR requires a pre-construction survey for burrowing owls no more than 30 days prior to initiation of ground-disturbing activities.¹³² This condition is not consistent with CDFW guidelines, which recommend an initial preconstruction survey within the 14 days prior to ground disturbance, followed by a subsequent survey within 24 hours prior to ground disturbance.¹³³ As the CDFW’s 2012 Staff Report acknowledges, “burrowing owls may re-colonize a site after only a few days.”¹³⁴ As a

¹²⁹ MSHCP 2011 Annual Report, Table 25. Available at: <http://www.wrc-rca.org/library.asp>

¹³⁰ DEIR, p. 4.4-77.

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ CDFG. 2012. Staff Report on Burrowing Owl Mitigation. Available at: www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf, pp. 29-30.

¹³⁴ *Ibid.*, p. 30.

result, a single pre-construction survey up to 30 days in advance of construction is insufficient to avoid and minimize take of burrowing owls.

The City must clarify that “take avoidance” (i.e., pre-construction) surveys for the burrowing owl are not a substitute for the four surveys required to assess Project impacts and formulate appropriate mitigation. The City must require the Applicant to conduct the protocol surveys described by CDFW, and the results of those surveys need to be released in a revised DEIR.¹³⁵

Buffers

The DEIR provides inconsistent information on the buffer distance required around active burrows (i.e., 250 feet or 500 feet).¹³⁶ Furthermore, the CDFW no longer uses the default standard of 250-foot buffers during the breeding season and 160-foot buffers during the non-breeding season. Instead, CDFW indicates that indirect impacts and appropriate mitigation should be determined through site-specific analyses that incorporate the wide variation in natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area.¹³⁷ CDFW guidelines indicate buffers may need to be up to 500 meters, depending on the level of disturbance.¹³⁸

Burrow Exclusion

In accordance with CDFW guidelines, burrowing owls should not be excluded from burrows unless or until the Applicant:

1. develops a Burrowing Owl Exclusion Plan that is approved by the CDFW;
2. secures off-site compensation habitat and constructs artificial burrows in close proximity (< 100 m) to the eviction sites;
3. mitigates the impacts of temporary exclusion according to the methods outlined by CDFW;
4. conducts site monitoring prior to, during, and after exclusion of burrowing owls from their burrows; and,
documents excluded burrowing owls using artificial or natural burrows on an adjoining mitigation site.¹³⁹

(Exhibit 2, pp. 19-21.)

¹³⁵ *Ibid*, Appendix D.

¹³⁶ DEIR, p. 4.4-79.

¹³⁷ CDFG. 2012 Mar 7. Staff Report on Burrowing Owl Mitigation. Available at: www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf. p. 12.

¹³⁸ *Ibid*, p. 9.

¹³⁹ *Ibid*, pp. 10 and 11.

D. THE DEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE THE PROJECT'S GREENHOUSE GAS EMISSIONS.

The DEIR also recognizes that greenhouse gas emissions ("GHG") from the construction and operation of the proposed Project are potentially significant. (DEIR, pp. 4.7.29~31.) However, the DEIR fails to adequately mitigate the significant impacts from greenhouse gas emissions.

1. The DEIR Underestimates the Project's Operational GHG Emissions and Fails to Mitigate the Actual Extent of GHG Impacts.

According to Mr. Hagemann:

Operational emissions

The DEIR estimates project operational emissions to be 752,000 mt CO₂e/year, more than 75 times the SCAQMD's significance threshold of 10,000 mt CO₂e per year. The DEIR correctly concludes that emissions are significant (p. 4.7-30) and provides mitigation. Even after mitigation, operational GHG emissions are nearly 70 times greater than the thresholds (Table 4.7.I). As high as these emissions remain, even after mitigation, the estimate of post-mitigation GHG emissions is based on incorrect assumptions. If correct estimates of long-haul truck trips were used, estimates of GHG emissions would even be higher. Because emissions are so high, a revised DEIR should be prepared to identify additional mitigation measure to attempt to reduce GHG impacts.

Underestimating the GHG emissions in the DEIR stems largely from incorrectly estimating long haul truck trip distances which make up more than half of all Project operational emissions (DEIR, p. 4.7-30). The DEIR states that long-haul trucks travel an average of 50 miles per trip (p. 4.7-30). No basis for making this estimate of long-haul travel distances is provided in the DEIR.

The DEIR states the project would be haul cargo containers from the Port of Los Angeles or the Port of Long Beach (p. 4.7-43). Google maps show routes to the Project average about 80 miles from the Ports of Los Angeles Long Beach, a distance 60% greater than the 50 mile distance estimated in the DEIR (Attachment C). Long-haul trips, even as underestimated in the DEIR, constitute the biggest component of operational emissions, by far, from Project operation (DEIR, p. 4.7-30).

The Project operational emissions are so significant, they constitute significant majority of the entire City of Moreno Valley's GHG emissions

estimates for the year 2020. The DEIR states that the City of Moreno Valley's mitigated GHG emissions in 2020 will be 798,000 mt CO₂e/year (DEIR, p.4.7-9). In 2020, Project's emissions, after mitigation, are estimated to be 612,000 mt CO₂e/year (DEIR, p, 4.7-35), or 77% of the entire business as usual estimate for the City of Moreno Valley.

Because emissions vastly exceed thresholds, additional mitigation, in the form of offsets, should be included in a revised DEIR. The Project applicant should obtain emission reduction credits, or carbon offsets, to reduce the Project's emissions to a less than significant level. Offsets should be chosen in a revised DEIR to show that offsets are verifiable and efficient. The DEIR should not be certified until the Applicant discloses that the Project's GHG emissions are significant during the construction period and mitigates emissions through the purchase of carbon offsets.

(Exhibit 1, pp. 9-10.)

The Project should be required to implement all of the GHG reductions measures set forth in the Greenhouse Gas reduction guidelines published by the California Attorney General. (Exhibit 5.) These measures are feasible and would help reduce the Project's GHG impacts.

2. The DEIR Fails to Mitigate Significant Construction GHG Emissions.

The DEIR acknowledges that there would be significant GHG emissions during the Project's construction. (DEIR, pp. 4.7-29~30, Table 4.7.E.) However, the DEIR fails to mitigate such significant GHG emissions in any way. According to Mr. Hagemann:

Construction emissions

Construction GHG emissions from 2013 to 2021 are estimated to total 434,126 mt CO₂e. The DEIR uses an amortization technique for a 30 year period to estimate emissions of 14,000 mt CO₂e (p. 4.7-30). The emissions are significant in that they exceed the threshold of South Coast AQMD threshold of 10,000 mt CO₂e.¹⁴⁰

The DEIR does not identify any mitigation measures for construction GHGs in excess of thresholds. Many mitigation measures for construction GHGs are commonly recommended by the South Coast AQMD in their review of DEIRs.¹⁴¹ A revised DEIR should be prepared to include all mitigation measures that would be feasible in reducing GHG emissions. If

¹⁴⁰ <http://www.aqmd.gov/ceqa/handbook/signthres.pdf>

¹⁴¹ <http://www.aqmd.gov/ceqa/igr/2012/December/DEIRglenarm.pdf>, p. 3

these measures are not sufficient, carbon offsets should be purchased to reduce emissions to reduce GHG emissions to below the threshold.

(Exhibit 1, p. 10.)

The Project should be required to implement all of the GHG reductions measures set forth in the Greenhouse Gas reduction guidelines published by the California Attorney General. (Exhibit 5.) These measures are feasible and would help reduce the Project's GHG impacts.

E. STORMWATER IMPACTS ON WATER QUALITY HAVE NOT BEEN ADEQUATELY ANALYZED OR MITIGATED.

1. Construction-Related Stormwater Impacts Have Not Been Adequately Analyzed.

The DEIR admits that during Project construction, storm runoff containing large volumes of sediment may cause significant water quality impacts to adjacent waterways. (DEIR, p. 4.9-31.) The DEIR also recognizes that such storm runoff from the Project site would ultimately reach Lake Elsinore. (DEIR, p. 4.9-2.) However, the DEIR fails to disclose that Lake Elsinore is impaired for sedimentation and sedimentation toxicity. (DEIR, p. 4.9-5.) As a result, the DEIR fails to analyze how the storm runoff containing sediment would further degrade the water quality at Lake Elsinore.

According to Mr. Hagemann,

Project construction will require extensive grading, vegetation removal, and excavation. Approximately 42 million cubic yards of cut-and-fill will be required to grade the entire site (DEIR, p. 3-61). Project construction may lead to erosion of site soils. The DEIR states that pollutants associated with the Project include sediments, nutrients, bacteria, toxic organic compounds, and pesticides (DEIR, p. 4.9-34). During periods of rainfall, water that washes over eroded soil can entrain these contaminants and discharge into adjacent waterways.

The DEIR states that Project runoff from the western portion flows into the Perris Valley storm drain while runoff from the eastern portion flows into Mystic Lake and the San Jacinto River (DEIR, p. 4.9-22) which is located ten miles south of the Project site. From the San Jacinto River, flow ultimately reaches Lake Elsinore (DEIR, p. 4.9-2). The DEIR identifies that Lake Elsinore is listed under the California Regional Water Quality Control Board's 303(d) List of Impaired Water Bodies for nutrients, low dissolved oxygen, and PCBs (DEIR, p. 4.9-5). The DEIR, however, does not disclose that Lake Elsinore is also impaired for sedimentation and

58

59

sediment toxicity.¹⁴² If rainfall washes over disturbed soil stockpiled on site during Project construction, contaminated sediment and runoff can eventually drain to Lake Elsinore, further degrading water quality.

(Exhibit 1, p. 4.)

2. The DEIR Fails to Adequately Mitigate Construction-Related Soil Erosion and Storm Runoff Impacts on Water Quality.

The DEIR also fails to adequately mitigate the Project's construction-related impacts of soil erosion and storm runoff on water quality. Based on current and historical uses of the Project site, there is a high potential for the presence of OCPs and other pesticides in the soil. Despite the high potential, the DEIR fails to include any feasible best management practices (BMPs) or mitigation measures to address these potentially significant water quality impacts on adjacent waterways.

According to Mr. Hagemann,

The DEIR states that during operational activities, stormwater runoff can carry trace metals such as zinc, copper, lead, cadmium, and iron and that treatment controls will be based on these pollutants (DEIR, pp. 4.9-33-4.9-34). However, the DEIR does not consider the possibility that ground-disturbing activities during Project construction can also lead to erosion and transport of these contaminants deposition to adjacent waterways.

The DEIR states that a SWPPP will be prepared and identifies measures that will be implemented to reduce impacts from soil erosion (DEIR, p. 4.6-13). Mitigation measure 4.9.6.3A lists best management practices (BMPs) that will be implemented to reduce water quality impacts (DEIR, p. 4.9-37). However, no measures or BMPs are provided that specifically identify that OCPs and other pesticides, which may exist from previous uses of the site, can flow into the adjacent waterways. To ensure that Project construction will not result in significant impacts to hydrological resources, the SWPPP should be prepared prior to Project construction to include BMPs such as erosion control and treatment measures specifically designed to address OCPs and other pesticides.

(Exhibit 1, pp. 4-5.)

Pursuant to Mr. Hagemann's conclusions, the DEIR should be revised to require the preparation of a SWPPP to address the potentially significant impacts of soil erosion and storm runoff to valuable hydrological resources. The SWPPP should be included

¹⁴² Search for Elsinore, Lake at http://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/category5_report.shtml

as a mitigation measure in a recirculated DEIR so that the public and decisionmakers may analyze the SWPPP to determine its adequacy.

60

VI. THE DEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE CUMULATIVE IMPACTS.

A. LEGAL STANDARDS

An EIR must discuss significant cumulative impacts. (CEQA Guidelines, § 15130(a).) This requirement flows from Public Resources Code section 21083, which requires a finding that a project may have a significant effect on the environment if “the possible effects of a project are individually limited but cumulatively considerable... ‘Cumulatively considerable’ means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” “Cumulative impacts” are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (CEQA Guidelines, § 15355(a).) “[I]ndividual effects may be changes resulting from a single project or a number of separate projects.” (CEQA Guidelines, § 15355(a).)

“The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (*CBE v. CRA*, *supra*, 103 Cal.App.4th at p. 117.) A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (CEQA Guidelines, § 15355(b).)

61

As the court stated in *CBE v. CRA*, 103 Cal. App. 4th at p. 114:

Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

(Citations omitted.)

In *Kings County, supra*, 221 Cal.App.3d at p. 718, the court concluded that an EIR inadequately considered an air pollution (ozone) cumulative impact. The court said: “The EIR concludes the project’s contributions to ozone levels in the area would be immeasurable and, therefore, insignificant because the [cogeneration] plant would emit relatively minor amounts of [ozone] precursors compared to the total volume of [ozone] precursors emitted in Kings County. The EIR’s analysis uses the magnitude of the current ozone problem in the air basin in order to trivialize the project’s impact.” The court concluded: “[t]he relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin.”¹⁴³ The *Kings County* case was reaffirmed in *CBE v. CRA*, 103 Cal.App.4th at 116, where the court rejected cases with a narrower construction of “cumulative impacts.”

Similarly, in *Friends of Eel River v. Sonoma County Water Agency*, (2003) 108 Cal. App. 4th 859, the court held that the EIR for a project that would divert water from the Eel River had to consider the cumulative impacts of the project together with other past, present and reasonably foreseeable future projects that also divert water from the same river system. The court held that the EIR even had to disclose and analyze projects that were merely proposed, but not yet approved. The court stated, CEQA requires “the Agency to consider ‘past, present, and probable future projects producing related or cumulative impacts’” (Guidelines, § 15130, subd. (b)(1)(A).) The Agency must interpret this requirement in such a way as to ‘afford the fullest possible protection of the environment.’” (*Friends of Eel River, supra*, at pp. 867, 869.) The court held that the failure of the EIR to analyze the impacts of the project together with other proposed projects rendered the document invalid. “The absence of this analysis makes the EIR an inadequate informational document.” (*Id.*, at p. 872.)

The Court in *Citizens to Preserve the Ojai v. Bd. of Supervisors*, 176 Cal.App.3d 421 (1985), held that an EIR prepared to consider the expansion and modification of an oil refinery was inadequate because it failed to consider the cumulative air quality impacts of other oil refining and extraction activities combined with the project. The court held that the EIR’s use of an Air District Air Emissions Inventory did not constitute an adequate cumulative impacts analysis. The court ordered the agency to prepare a new EIR analyzing the combined impacts of the proposed refinery expansion together with the other oil extraction projects.

¹⁴³ *Los Angeles Unified v. City of Los Angeles*, 58 Cal.App.4th at pp. 1024-1026 found an EIR inadequate for concluding that a project’s additional increase in noise level of another 2.8 to 3.3 dBA was insignificant given that the existing noise level of 72 dBA already exceeded the regulatory recommended maximum of 70 dBA. The court concluded that this “ratio theory” trivialized the project’s noise impact by focusing on individual inputs rather than their collective significance. The relevant issue was not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant given the nature of the existing traffic noise problem.

In sum, an EIR's cumulative impacts analyses are critical in taking a project out of its artificial vacuum. By evaluating the true extent of a project's environmental impacts, taking into consideration all relevant past, present, and probable future projects in the project's vicinity, the EIR could serve its informational purpose adequately.

61

B. THE DEIR'S ENTIRE CUMULATIVE IMPACTS ANALYSES ARE IMPROPERLY BASED ON OUTDATED AND INACCURATE SUMMARY OF PROJECTIONS.

The CEQA Guidelines set forth two methods for satisfying the cumulative impacts analysis requirement: the list-of-projects approach and the summary-of-projections approach. (CEQA Guidelines, § 15130(b).) But either way, an EIR must analyze a project's cumulative impacts in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. (Pub. Resources Code, § 21083, subd. (b); CEQA Guidelines, §§ 15130, 15355; *San Joaquin Raptor/Wildlife Rescue Center*, *supra*, 27 Cal.App.4th at pp. 739-741.)

At the outset, the DEIR explains that it would rely solely on the summary-of-projections method in analyzing the Project's cumulative impacts. (DEIR, p. 2-22.) The DEIR's summary-of-projections consists of the growth projections contained in the Moreno Valley General Plan and regional growth projections based on Regional Transportation Plan. (DEIR, p. 2-22, 2-23.) Using these projections, the DEIR analyzes cumulative impacts for each environmental topic in the respective sections (EIR Sections 4.1 through 4.16.)

62

Courts have recognized that the use of the summary-of-projections method can be problematic. "Use of a planning document does not preclude challenge to the accuracy or sufficiency of the cumulative impacts analysis. As recognized in a respected CEQA treatise, '[t]he summary-of-projections approach may present problems if the projections in the general plan or related planning document are inaccurate or outdated.'" (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1217 [emphasis added].) In this instance, the growth projections that the DEIR utilizes are both outdated and inaccurate because they are based on the 2006 General Plan which does not account for the recent influx of similar warehouse projects in the City.

The Inland Empire is home to the nation's biggest concentration of warehouses. In recent years, the City has been setting aggressive economic goals to pursue new development in logistics and distribution.¹⁴⁴ The City has followed through with those goals and the latest Economic Development Summary highlights the multitude of

¹⁴⁴ Moreno Valley Economic Development Action Plan 1/18/2012, p. 11, available at http://www.moreno-valley.ca.us/city_hall/departments/econ-dev/pdfs/forum/CITY-PPT.pdf

recent, large scale warehouse projects. (Exhibit 4, Moreno Valley Economic Development Summary 3/2013, pp. 5-7.) The following is a list of 20 similar projects in the City that are approved, undergoing environmental review, in construction or have recently opened:

<u>Logistics-Warehouse Projects in Moreno Valley, CA</u>				
	Name	Size	Description	Location
Recently Opened				
1	Highland Fairview Corporate Park (HFCP)/Skechers Distribution Center	1.82 million sq. ft.	Highland Fairview, the Project's developer, has recently opened a large scale distribution center for Skechers USA.	Just northwest of the Project site, between Redlands Boulevard and Theodore Street.
2	Ross Stores Moreno Valley Distribution Center	1.58 million sq. ft.	Second phases added 612,000 sq. ft., plus additional 285,000 sq. ft. mezzanine to the existing 686,000 sq. ft. building.	17800 Perris Blvd, Moreno Valley
3	United Natural Foods Inc. Distribution Center	613,174 sq. ft.	An expansion of the distribution facility for United Natural Foods Inc.	Goldencrest Drive
In Planning/Pending Environmental Review				
4	Prologis Eucalyptus Industrial Park	2,224,419 sq. ft.	This project would include the construction of a warehouse facility comprising six buildings and is currently undergoing environmental review.	South of Highway 60 to Eucalyptus Avenue between Pettit and Quincy streets
5	Westridge Commerce Center	943,800 sq. ft.	The proposed project is currently on hold, pending a challenge to the EIR by Sierra Club in Riverside Superior Court.	Located just west of the Project site, at north of Eucalyptus Avenue and Redlands Boulevard.
Approved/In Plan Check				
6	Inland Empire Global Logistics Center	1.56 million sq. ft.	Distribution center developed by Panattoni Development Company	SWC of Indian St. and Iris Ave.
7	Lowe's Distribution Center	746,340 sq. ft.	A Lowe's distribution center by Alere Property Group.	Located on the east side of Heacock St. north of Cardinal Way.

8	San Michele Distribution Center	423,015 sq. ft.	A distribution center by Alere Property Group.	Indian St. and San Michele Rd.
9	First Apache Warehouse	569,200 sq ft.	Industrial complex warehouse facilities by First Industrial Realty Trust	Perris and Storm Channel
10	Harbor Freight Tools at Centerpointe Business Park	1.28 million sq. ft.	Currently occupies 779,016 sq. ft. with plans to expand by 507,720 sq. ft. totaling 1.28 million sq. ft.	NWC of Cactus Ave. and Graham St.
11	Distribution/warehouse facility at Centerpointe Business Park	607,430 sq. ft.	A distribution/ warehouse facility located at Centerpointe Business Park	NWC of Brodiaea Ave. and Graham St.
12	Nandina Distribution Center – Building A	413,598 sq. ft.	Part of a two building complex with total of 1.82 million sq. ft.	NWC of Nandina Ave. and Indian St.
13	Komar	283,100 sq. ft.	Industrial/distribution building on 13.75 acres.	SEC of Heacock Ave. and San Michele Rd.
14	Rados – Warehouse distribution center	409,598 sq. ft.	Part of a seven building project with total of 619,127 sq. ft.	NEC of Heacock St. and Iris Ave.
15	Vogel Engineers Inc/Sares-Regis warehouse distribution building	1.62 million sq. ft.	A warehouse distribution building on 71.15 acres.	North of Oleander Storm Drain between Indian St. and Perris Blvd.
16	March Business Center	1.48 million sq. ft.	Four buildings total, three of which (1.32 million sq. ft.) would be used for warehouse distribution uses.	SEC of Iris Ave. and Heacock St.
Under Construction				
17	First Inland Logistics Center	865,960 sq. ft.	An industrial/distribution facility in two buildings. Tenant improvements underway.	Located on the north side of Nandina Ave., west of Perris Blvd.
18	Nandina Distribution Center – Building B	769,320 sq. ft.	Part of a two building complex with total of 1.82 million sq. ft.	NWC of Nandina Ave. and Indian St.
19	Centerpointe Logistics Center	522,774 sq. ft.	Logistics-distribution building on 25.9 acres developed by Overton Moore Properties.	NWC of Cactus Ave. and Frederick St.
20	I-215 Logistics Center	1.25 million sq. ft.	Industrial warehouse in two buildings developed by Trammell Crow Company.	Heacock St. and San Michele Rd.

(Exhibit 4, Moreno Valley Economic Development Summary 3/2013, pp. 5-7.)

To accommodate the recent surge of large warehouse projects within the City, the City's General Plan was amended multiple times. For example, ProLogis Eucalyptus Industrial Park Project is currently undergoing environmental review and requires amendments to the City's General Plan and zoning designations to the Project Site from Residential to Business Park.¹⁴⁵ A recently-approved March Business Center Project also included an adoption of a General Plan Amendment.¹⁴⁶ These are mere examples of the numerous amendments to the General Plan that have occurred or will occur to make way for the warehouse projects in the City.

The General Plan amendments that postdate the 2006 Update are not accounted for in the growth projections contained in the general plan.¹⁴⁷ Thus, the General Plan fails to account for the City's recent growth spurt in the warehouse industry and contains outdated and inaccurate growth projections. (See *Bakersfield Citizens for Local Control, supra*, 124 Cal.App.4th at pp. 1217-1218.) The DEIR's use of inaccurate growth projections means that the resultant cumulative impacts analyses are underinclusive.

Proper cumulative impacts analysis is absolutely critical to meaningful environmental review. The DEIR's cumulative impact analyses are inadequate in their entirety because they did not take into account the environmental impacts of other past, present and reasonably foreseeable projects in the Project's vicinity. As a result, the cumulative impacts analyses are underinclusive and misleading. The DEIR must revise its cumulative impacts analyses for each and every environmental issue (DEIR Sections 4.1 through 4.16) using updated and accurate growth projections or a list-of-projects approach, or a combination of both. (CEQA Guidelines, § 15130(b).)

C. THE DEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE CUMULATIVE AGRICULTURAL RESOURCE IMPACTS.

In addition to using inaccurate projections, the DEIR's cumulative agricultural resources impacts analysis fails to consider other related present and reasonably foreseeable future projects. The DEIR only focuses on past projects, primarily relying on past inventories of farmland in Riverside County from 2000 to 2010, which illustrate a steady loss of farmland. (DEIR, p. 4.2-21, Tables 4.2B, 4.2.C.) Relying on these past inventories, the DEIR concludes that the countywide decline in farmland will continue and rationalizes the Project's removal of over 3,500 acres of Important Farmland and the lack of any mitigation efforts. (DEIR, pp. 4.2-20~21.)

As previously noted, an EIR must analyze a project's cumulative impacts in conjunction with other related past, present, and reasonably foreseeable future projects

¹⁴⁵ ProLogis Draft EIR, at p. 1-2, available at <http://www.moval.org/misc/pdf/prologis/ProLogis%20DEIR-min.pdf>

¹⁴⁶ March Business Center Final EIR, at p. S-3, available at <http://www.moval.org/misc/pdf/march/MBCDraftEIR04-26-12.pdf>

¹⁴⁷ Moreno Valley General Plan, Final Program EIR, pp. 3-8, 3-9, available at http://www.moreno-valley.ca.us/city_hall/general-plan/06gpfinal/ieir/eir-tot.pdf

whose impacts might compound or interrelate with those of the project at hand. (Pub. Resources Code, § 21083, subd. (b); CEQA Guidelines, §§ 15130, 15355 [emphasis added].) The DEIR admits that the cumulative area for agricultural resource impacts is Riverside County. (DEIR, p. 4.2-21.) Therefore, the DEIR's cumulative agricultural resource analysis is inadequate and fails to analyze the Project's agricultural resource impacts in conjunction with other related present and reasonably foreseeable future projects within Riverside County.

Moreover, the DEIR fails to mitigate the significant cumulative agricultural impacts in any way. (DEIR, pp. 4.2-20~21.) Such failure is improper for the same reasons as provided in Part V.A.3, *supra* (discussing the DEIR's failure to mitigate the Project's significant agricultural impacts.)

D. THE DEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE CUMULATIVE IMPACTS TO BIOLOGICAL RESOURCES.

The DEIR fails to provide any analysis on how the Project, in combination with all relevant past, present and potential future projects, can cause cumulative impacts to biological resources. According to Mr. Cashen,

The DEIR provides virtually no analysis of the Project's contribution to cumulative impacts to sensitive biological resources. It simply concludes: "the regional (cumulative) implications of the project can be addressed through the fee payment program of the MSHCP because it provides a regional and comprehensive approach to conservation planning," and that "no significant cumulative effect on biological resources would result from the development of the proposed uses with implementation of the identified program mitigation measures."¹⁴⁸

The City's justification fails to consider the Project's contribution to potentially significant impacts to species not covered by the MSHCP. Indeed, the Final EIR/EIS for the MSHCP states: "implementation of the MSHCP will result in cumulatively significant impacts on the Non-Covered Species because the issuance of incidental take permits will remove an impediment to development outside of the MSHCP Conservation Area. Non-Covered Species would receive little or no protection outside the reserves under existing ordinances and regulations."¹⁴⁹ In my opinion, the Project may contribute to cumulatively considerable impacts to Non-Covered Species, and those impacts would not be mitigated by the measures proposed by the City.

¹⁴⁸ DEIR, p. 4.4-81.

¹⁴⁹ MSHCP, p. 5.1-7. [emphasis added].

Many assumptions were incorporated into the MSHCP. The assumptions pertain to biological conditions (and relationships), development within the plan area, and actual implementation of the MSHCP. Some of the assumptions that were incorporated into the MSHCP have proven to be incorrect. For example, the MSHCP has been unsuccessful in the conservation of burrowing owls within the plan area.¹⁵⁰ This example highlights the flaws with the City's conclusion that the MSHCP will eliminate any potential for cumulative impacts.

Ultimately, the Project's contribution to cumulative impacts cannot be analyzed because the City has not identified the other projects within the cumulative effects analysis area. At a minimum, the City must identify the other projects may contribute to cumulatively considerable impacts to raptors, jurisdictional waters, the Northwestern San Diego pocket mouse, and other sensitive biological resources in the Project region.

(Exhibit 2, pp. 16-17.)

E. THE DEIR FAILS TO ADEQUATELY MITIGATE CUMULATIVE AIR IMPACTS.

The DEIR also fails to adequately mitigate significant cumulative air quality impacts to human health. According to Mr. Hagemann:

Cumulative air impacts are inadequately mitigated

The DEIR predicts cumulative impacts to human health from the Project and other nearby projects to exceed risk thresholds set by the SQAQMD. The DEIR (p. 4.3-88) includes modeling results that estimate health impacts as follow:

Table 4.3.AC: Comparison of Cancer Risk Values

Receptor Location	Cancer Risk (risk per million)		
	Project Increment	Cumulative	MATES-III
Maximum affected receptor located outside of the boundaries of the WLC Specific Plan	45 ¹	193 ¹	1,029 ²
Maximum affected sensitive receptor located within of the boundaries of the WLC Specific Plan	76.8	121.1	496
Existing residences located across Redlands Boulevard	20.9	45.9	496

¹⁵⁰ *Ibid*, Burrowing Owl Survey Report 2011. Available at: <http://www.wrc-rca.org/library.asp> See also Wilkerson RL and RB Siegel. 2010. Assessing changes in the distribution and abundance of burrowing owls in California, 1993-2007. Bird Populations 10: 1-36. (Attachment F).

The table shows that the incremental impacts from the Project range from 20.9 to 76.8 cancer risks which greatly exceed the SCAQMD threshold of 10 additional cancer risks in a population of one million.¹⁵¹ The table also shows that a sensitive receptor who already faces a risk level well in excess of the SCQAQMD threshold (496 in a million) will have that risk increased by an increment of 121 in a population of a million (or 12 in a population of 100,000), a 24% increase, from cumulative project construction. Existing residences across Redlands Blvd. will see cumulative risk levels increase 9% (existing cancer risk of 45.9/MATES III risk of 496 = 9.3%).

Cancer risks that residents currently face in the area of the Project are primarily driven by diesel particulate matter (DEIR, 4.3-87). The California Air Resources Board has classified diesel particulate matter as a toxic air contaminant for both its cancer and non-cancer health effects.¹⁵² In addition the California Office of Environmental Health Hazard Assessment found that exposure to diesel particulate resulted in an increased risk of cancer and an increase in chronic non-cancer health effects including a greater incidence of cough, labored breathing, chest tightness, wheezing, bronchitis, and asthma.¹⁵³

Emissions of diesel particulate matter from cumulative project emissions will increase, driven by an increase in truck traffic from the Project and from other cumulative projects in the area. The DEIR offers no mitigation for diesel particulate matter emissions. Because current cancer risks greatly exceed thresholds, and will get significantly worse from cumulative impacts, all feasible mitigation should be considered for nearby residents, especially sensitive receptors. The mitigation should target reductions in diesel particulates, the most significant contributor to health risks.

Other projects, where risks from diesel particulates are as high as those estimated in the DEIR, have instituted mitigation that is considered to be Best Available Control Technologies for Toxics and which are capable of reducing potential cancer and non-cancer risks to an acceptable level. These Best Available Control Technologies and other mitigation measures include:

- Installation of Minimum Efficiency Reporting Value (MERV) filters rated at 13 or better at all residential units where incremental cancer risk exceeds one in one hundred thousand¹⁵⁴;

¹⁵¹ <http://www.aqmd.gov/ceqa/handbook/signthres.pdf>

¹⁵² http://www.oehha.ca.gov/public_info/facts/dieselfacts.html

¹⁵³ Ibid.

¹⁵⁴ http://cityplanning.lacity.org/EIR/CornfieldArroyo/RDEIR/RP-DEIR_Volume%20I.pdf,
http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Redevelopment_Agency/West%20Berkeley%20MMP.pdf

- Plant tiered vegetation along the project site boundaries -- laboratory studies show that cedar trees can remove some of the fine particulate matter emitted from traffic under low wind speeds¹⁵⁵;
- Providing notification to nearby residents in areas of estimated cumulative risk that exceeds one in one hundred thousand population that operation of the project may have detrimental health impacts as noted by California Air Resources Board and the South Coast Air Quality Management District.

A revised DEIR should be prepared to identify additional mitigation to reduce cancer risks from diesel particulates from cumulative project construction. The DEIR should include all feasible mitigation and should include modeling estimates to show risk reduction to levels less than the SCAQMD threshold of one in a million cancer risk.

(Exhibit 1, pp. 7-9.)

VII. THE DEIR FAILS TO PROVIDE ADEQUATE ALTERNATIVES ANALYSIS AND FAILS TO IMPLEMENT THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE 1.

A. LEGAL STANDARDS

One of CEQA's fundamental requirements is that the DEIR must identify the "environmentally superior alternative," and require implementation of that alternative unless it is infeasible. (CEQA Guidelines, §15126.6(e)(2); Kostka & Zischke, *Practice Under the California Environmental Quality Act* §15.37 (Cont. Educ. Of the Bar, 2008).) Typically, a DEIR identifies the environmentally superior alternative, which is analyzed in detail, while other project alternatives receive more cursory review.

The analysis of project alternatives must contain an accurate quantitative assessment of the impacts of the alternatives. In *Kings County, supra*, 221 Cal.App.3d at pp. 733-735, the court found the EIR's discussion of a natural gas alternative to a coal-fired power plant project to be inadequate because it lacked necessary "quantitative, comparative analysis" of air emissions and water use.

Additionally, when project objectives are defined too narrowly, the EIR's alternatives analysis may be inadequate. (*City of Santee v. San Diego* (1989) 214 Cal.App.3d 1438; *Preservation Action Council v. San Jose* (2006) 141 Cal.App.4th 1336.)

¹⁵⁵ http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Redevelopment_Agency/West%20Berkeley%20MMP.pdf, p. 3

A “feasible” alternative is one that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (Pub. Res. Code, § 21061.1; CEQA Guidelines, § 15364.) California courts provide guidance on how to apply these factors in determining whether an alternative or mitigation measure is economically feasible.

The lead agency is required to select the environmentally preferable alternative unless it is infeasible. As explained by the Supreme Court, an environmentally superior alternative may not be rejected simply because it is more expensive or less profitable:

The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.

(*Citizens of Goleta Valley, supra*, 197 Cal.App.3d at pp. 1180-81; see also, *Burger, supra*, 45 Cal.App.3d 322 [county’s approval of 80 unit hotel over smaller 64 unit alternative was not supported by substantial evidence].)

As discussed below, the DEIR fails to meet the legal standards for an adequate CEQA alternatives analysis.

B. THE DEIR IMPROPERLY DISMISSES THE LESS ENVIRONMENTALLY DAMAGING AND FEASIBLE REDUCED DENSITY ALTERNATIVE (ALTERNATIVE 1).

The DEIR considers the Reduced Density Alternative (Alternative 1) as an alternative to the proposed Project. Alternative 1 would decrease logistics use by 28 percent, which would result in corresponding decreases in environmental impacts. For one, Alternative 1 would reduce the operational emissions all across the board, including approximately 30% reductions for CO, VOC, NOx, PM10, and PM2.5.¹⁵⁶ (DEIR, Table 6.L.) Traffic impacts would also decrease by 30% under Alternative 1. (DEIR, pp.6-25, 6-26.)

The DEIR admits that Alternative 1 is “environmentally superior” to the proposed Project. As such, the environmentally superior Alternative 1 must be selected unless it is infeasible. (*Citizens of Goleta Valley, supra*, 197 Cal.App.3d at 1180-81; see also, *Burger, supra*, 45 Cal.App.3d 322.) Instead, the DEIR improperly dismisses it as not meeting “most of the major goals of the proposed project mainly because of the reduced total square footage by 30 percent....” (DEIR, pp.6-22, 6-44.) Such reasoning, or lack

¹⁵⁶ The DEIR contains a calculation error which in effect downplays the reduction of NOx emissions for Alternative 1 from the Proposed project. Table 6.L provides the net change in emissions of NOx from the proposed project (3,059) and Alternative 1 (2,141) as -645 when it should in fact be -918. (DEIR, Table 6.L.)

thereof, does not amount to substantial evidence to support a conclusion that Alternative 1 is infeasible. To put it simply, a reduced scale alternative cannot be rejected solely because it is reduced in scale. Such circular reasoning makes a mockery of the alternatives analysis.

Furthermore, the DEIR downplays the significant environmental benefits of Alternative 1 by illogically concluding that despite the 30 percent reduction in operational emissions, the impacts from emissions would be significant and unavoidable in “approximately the same manner as the proposed project.” (DEIR, p. 6-24.) Similarly, the DEIR deemphasizes Alternative 1’s 30 percent decrease in traffic as being similar to those impacts identified for the Proposed Project. (DEIR, pp. 6-25, 6-26.) On the whole, the DEIR dismisses Alternative 1’s substantial reductions of environmental impacts by concluding that all impacts identified as significant and unavoidable under the Proposed Project would still be significant under Alternative 1 in “approximately the same and/or in the same exact manner as the proposed project.” (DEIR, p. 6-28.) However, it is puzzling how 30 percent decreases in emissions and traffic under Alternative 1 would be “the same” as no reduction at all under the proposed Project. If anything, the logical conclusion of this reasoning is that the City must consider an even smaller reduced scale alternative.

Thus, the DEIR fails to provide substantial evidence to support the dismissal of the environmentally superior alternative because it does not meet the project objectives “to the same degree as the proposed project.” (DEIR, Table 6.M.) Such logic is insufficient to support a conclusion that Alternative 1 is infeasible. Additional analysis is required to consider this environmentally superior alternative before the Board may reject it. (Pub. Res. Code, §21002; *Sierra Club v. Gilroy City Council* (1990) 220 Cal.App.3d 30, 31.)

C. THE DEIR ERRONEOUSLY CONCLUDES THAT THERE ARE NO FEASIBLE ALTERNATIVE SITES NEAR THE PROJECT AREA.

Additionally, the DEIR summarily concludes that all of the alternative sites near the project area are infeasible. However, the DEIR’s conclusion of infeasibility is based on extremely narrow project objectives, which the DEIR sums up as including “a contiguous 2,635-acre site for 41 million square feet of high-cube logistics warehouse uses.” (DEIR, pp. 6-2, 6-38.) These narrow objectives effectually eliminated from consideration all potential “feasible” sites which could have served the Project’s broader purpose of providing warehouses, though not in the same scale as the Project.

The DEIR’s application of extremely narrow project objectives of securing an alternative site similar in scale as the Proposed Project renders the Alternative Sites Analysis inadequate. For example, the DEIR ignored all potential sites within the City by focusing only on the large scale and concluding that “there are no sites available within the City that have nearly that amount of vacant land planned [as the Project site] or designated for industrial-related uses.” (DEIR, Table 6.R.) Therefore, the DEIR did

67

68

Comment Letter on World Logistics Center Draft EIR
State Clearinghouse No. 2012921945
April 5, 2013
Page 69 of 69

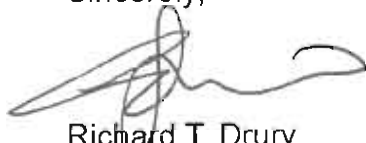
not consider any smaller sites within the City which could have been less environmentally damaging than the Project and perhaps some distance away from active farmland and/or from sensitive receptors like the San Jacinto Wildlife Area. (See id.)

In sum, the DEIR's improper dismissal of the "environmentally superior" Alternative 1 and its erroneous conclusion that no feasible alternative sites exist near the project area violates the mandates of CEQA. The revised DEIR must select the environmentally superior alternative, Alternative 1, and adequately analyze potential alternative sites in the Project's vicinity without focusing solely on fulfilling the Project's narrow objective of constructing a logistics warehouse similar in scale to the proposed Project.

VIII. CONCLUSION

For the foregoing reasons, LIUNA Local Union No. 1184 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.

Sincerely,



Richard T. Drury
Cathy D. Lee
Lozeau Drury LLP
Attorneys for LIUNA Local Union No. 1184

68

69

RESPONSES TO LETTER F-7A

Lozeau Drury LLP

Response to Comment F-7A-1. The separate comments/commenters indicated by the commenter of this letter are addressed as Letters F-7B and F-7C following this letter. The City does not consider the Draft Environmental Impact Report (DEIR) to be inadequate or inaccurate, however, a number of corrections and additions have been made to the DEIR text to make it more accurate, to expand on concepts discussed in the DEIR, or to address comments made on the DEIR.

Response to Comment F-7A-2. According to Section 15125 of the CEQA Guidelines,

"An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. The baseline for the evaluation of biological resources is based on a current, thorough site visit. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives."

The Notice of Preparation for the World Logistics Center (WLC) was published February 21, 2012, and was used to establish the environmental setting, or baseline for the WLC.

In support of the DEIR, project biologists conducted biological resource field surveys for the WLCSP and additional areas to characterize the biological resources present at the site and identify sensitive resources and communities that may be impacted by the proposed project. Biological surveys were conducted between 2005 and 2012 to provide base-line information within the WLC Specific Plan (SP) for the Notice of Preparation (NOP) that was submitted on February 21, 2012. Surveys were conducted in 2013 to provide additional information and to confirm information related to the 2012 baseline. The main focus was on sensitive habitats and any areas with the potential to support sensitive flora or fauna species. In addition, project biologists conducted focused surveys for burrowing owl, Los Angeles pocket mouse (LAPM), and a comprehensive sensitive plant survey. A delineation of jurisdictional waters and wetlands was also conducted. Table F-7A.A below summarizes the survey dates, the type of survey, and FCS-MBA lead staff. Information on where the surveys were performed as the project evolved through time are presented in Exhibit 5 of the *Draft Habitat Assessment and MSHCP Consistency Analysis* (FCS-MBA 2013 - FEIR Volume 2, Appendix E-1 and E-4) (hereafter MSHCP Consistency Analysis). In addition, project biologists contacted Riverside Conservation Authority (RCA) staff to obtain recorded occurrence data for sensitive plant and wildlife species observed within and adjacent to the San Jacinto Wildlife Area (SJWA).

Table F-7A.A: Summary of Survey Types, Dates, Locations, and Staff

Report Year	Field Survey Date(s)	Survey	Parcel Name	Staff
2005	May 10, 20, 23 Aug 29	Biological Resource Assessment Survey	Bel Lago	S. Crawford
2005	May 10	MSHCP Habitat Assessment	Bel Lago	S. Crawford
2005	May 10, 20, 23 Aug 29	Burrowing Owl Focused Surveys	Bel Lago	S. Crawford

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table F-7A.A: Summary of Survey Types, Dates, Locations, and Staff

Report Year	Field Survey Date(s)	Survey	Parcel Name	Staff
2005	May 10, Aug 29	Jurisdictional Delineation Riparian/Riverine and Vernal Pool Habitat	Bel Lago	S. Crawford
2005	August 21 through 26	Los Angeles Pocket Mouse Focused Surveys	Bel Lago	K. Rios
2006	August 16, 26	MSHCP Habitat Assessment	Tentative Tract Map 34848 (Bel Lago South)	M. Romich J. Hickman S. Hongola
2006	August 16, 17, 19, 22	Burrowing Owl Focused Surveys	Tentative Tract Map 34848 (Bel Lago South)	M. Romich J. Hickman S. Hongola
2007	May 1, 2, 3, 4	Burrowing Owl Focused Surveys	Highland Fairview Corporate Park Property	S. Crawford K. Workman S. Hongola K. Osmundson
2007	May 10	Jurisdictional Delineation Riparian/Riverine and Vernal Pool Habitat	Highland Fairview Corporate Park Property - Logistics Building Area	K. Osmundson
2007	September 18	Jurisdictional Delineation Riparian/Riverine and Vernal Pool Habitat	Highland Fairview Corporate Park Property	T. Mullen
2007	May 15 July 19	MSHCP Habitat Assessment	Highland Fairview Corporate Park Properties	K. Lord
2007	May 15-18, 22-24, 30-31, June 1, 5-7, 12-14, 19-20, 26, July 3, 6, 11, 12	Burrowing Owl Focused Surveys	Highland Fairview Properties	S. Crawford
2007	September 27 2006	MSHCP Habitat Assessment	398-Acre Anderson Property	K. Workman S. Hongola
2007	August 15, 16, 22, 23 2006	Burrowing Owl Focused Survey	398-Acre Anderson Property	K. Workman K. Osmundson
2008	January 10	MSHCP Habitat Assessment	Highland Fairview Properties	K. Lord
2010	June 9, 10, 11, 16, 22, 23, 24	Sensitive Plant Surveys	Highland Specific Plan	S. Crawford
2010	June 9 through 24	Burrowing Owl Focused Surveys	Highland Specific Plan	S. Crawford
2010	June 27, 28, 29, 30, Jul 1, 2	Los Angeles Pocket Mouse Focused Surveys	Highland Specific Plan	K. Rios
2011	October 24	MSHCP Habitat Assessment	Highland Specific Plan	S. Crawford D. Hameister

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table F-7A.A: Summary of Survey Types, Dates, Locations, and Staff

Report Year	Field Survey Date(s)	Survey	Parcel Name	Staff
2012	March 16	Delineation of Jurisdictional Waters and Wetlands	WLCSP	S. Crawford
2012	June 28, July 5, 6 and 9	Burrowing Owl Focused Surveys	WLCSP	T. Molioo D. Lloyd D. Hameister
2012	July 1-6	Los Angeles Pocket Mouse Focused Surveys	WLCSP	K. Rios
2013	June 13, 20, 21, 27, July 3, 7, and 9	Burrowing Owl Focused Surveys	WLCSP	D. Hameister T. Molioo S. Crawford Z. Ziade L. Westmoreland C. Lytle
2013	July 8-11	Los Angeles Pocket Mouse Focused Surveys	WLCSP	K. Rios S. Crawford

Response to Comment F-7A-3. The commenter has suggested the project mitigate the loss of farmland by a conservation easement. In fact, a new Mitigation Measure (MM) 4.2.6.1A has been added to the Final Environmental Impact Report (FEIR) Volume 2 requiring the acquisition of a conservation easement be recorded over land of comparable productive value to preserve offsite farmland or equal or more agricultural productivity compared to the unique farmland. It should be noted the revised Parsons Brinckerhoff report and the *California (California) Land Evaluation and Site Assessments (LESA) Model* report (FEIR Volume 2, Appendix C-1 through C-4) have determined that conversion of the Farmland of Local Importance does not represent a significant impact based on the results of the revised LESA model assessment (see also Response F-7A-39 to Letter F-7A for more information on agricultural impacts).

Response to Comment F-7A-4. The commenter claims that the DEIR fails to adequately mitigate significant construction and operational air quality impact and indirect source pollution.

The DEIR addresses all potential impacts and applies feasible mitigation to reduce impacts, but not to below a level of significance. Please see the FEIR Mitigation Monitoring Reporting Program for a list of the project's mitigation measures. Refer to the response to comments which follow.

Response to Comment F-7A-5. The revised DEIR as well as Section 6.9 of the (Western Riverside County) Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis (FCS-MBA 2013 – FEIR Volume 2, Appendix E-1) were specifically updated to adequately analyze all potential project-related impacts at a programmatic level and developed mitigation measures that will reduce potentially significant impacts to less than significant levels.

Response to Comment F-7A-5. The DEIR describes potentially significant impacts associated with Plummer's mariposa lily, burrowing owl, nitrogen deposition, riverine/riparian areas, drainage features under United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB) and California Department of Fish Wildlife (CDFW) jurisdiction, MSHCP, Migratory Bird Treaty Act (MBTA), Raptor foraging habitat, City of Moreno Valley Municipal Code related to

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

biological resources, Urban/Wildlands Interface (including toxics, lighting, noise invasive species, barriers, access, grading/land development, and fuels management), and Stephens' kangaroo rat (SKR). The revised DEIR as well as Section 6.9 of the MSHCP Consistency Analysis (FCS-MBA 2013 - FEIR Volume 2, Appendix E-1) specifically addresses required mitigation measures that will reduce impacts to less than significant levels.

Response to Comment F-7A-6. The commenter claims that the DEIR fails to adequately analyze and mitigate the project's construction and operational greenhouse gas (GHG) emissions.

The DEIR addresses all potential impacts and applies feasible mitigation to reduce impacts, but not to below a level of significance. Refer to the response to comments which follow.

Response to Comment F-7A-7. A comment was made about the DEIR's failure to adequately analyze hazards and hazardous materials and establishes an erroneous baseline. The comment references the Department of Toxic Substance Control Interim Guidance for Sampling Agricultural Properties (Third Revision), dated August 7, 2008 as the standard that should have been used for pesticide sampling conducted during the several Phase I Environmental Site Assessment (ESA) reports for various parcels that comprise the site.

The referenced (California) Department of Toxic Substance Control (DTSC) document is:

"specific to agricultural properties where pesticides and/or fertilizers were presumably applied uniformly, for agricultural purposes consistent with normal application practices. It is applicable to agricultural properties that are currently under cultivation with row, fiber or food crops, orchards, or pasture. It is also applicable to fallow and former agricultural properties that are no longer in production and have not been disturbed beyond normal disking and plowing practices. Each field of the same crop is assumed to have been watered, fertilized and treated with agricultural chemicals to the same degree across the field. Because of this homogeneous application, contaminant levels are expected to be similar at any given location within the field. This is the underlying premise of the guidance..."

Properties not requiring agricultural sampling under the referenced guidance include property used exclusively as grazing lands or pasture. The guidance also states that dry-land farming, which is the practice of growing a crop without irrigation, are not treated with pesticides or infrequently treated, since the lack of water does not provide a desirable habitat for most agricultural pests. Properties that clearly qualify as dry-land farming do not need further investigation for pesticides or metals. *"For properties where there is uncertainty regarding dry-land farming, limited sampling may be conducted at a rate of four discrete samples per site, with one sample collected in each quadrant."*

The DTSC 2003 Interim Guidance for Sampling Agricultural Properties, which they referenced as to why additional samples for organo-chloro-phosphate (OCPs) were necessary, was taken out of context. The 2008 Interim Guidance for Sampling Agricultural Properties speaks to how an environmental assessor for the DTSC should conduct an evaluation of an agricultural property to be converted into another use. The guidance is envisioned as being most relevant to sites on which schools will be constructed or for residential use. However, it does apply to any project with DTSC oversight. Properties not subject to this guidance include former agricultural property that has been graded for construction or other purposes, land used exclusively for grazing or pasture, most dry-land farming fields, and sites that were agricultural properties prior to 1950. The subject site would be an exempted site as it was dry farmed land.

DEIR Section 4.8.1.1 states that the number of soil samples taken at the subject site during the many Phase I ESAs has demonstrated that pesticide use was infrequent and limited over the site, and are at levels that are below regulatory requirements for residential property. These are the baseline conditions with respect to pesticide use at the site. The herbicide commonly called 2, 4-D or 2,4-

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Dichlorophenoxyacetic acid is the 3rd most common herbicide used in the United States. It can be purchased at retailers like Home Depot. It has a half-life of about 2 weeks. So in 6 months there is less than 0.5 percent of the original product in the soil, therefore, this is not a significant soil contamination issue.

In terms of sample frequency, the sampling pattern should be sufficient to characterize the site. The guidance, done for school and residential properties, apparently interprets this as a range for properties from one acre to fifty acres (with the number of each of the following categories increasing every few acres), of between 4 and 60 borings, 4 and 15 composite organo-chloro-phosphate (OCP) samples. For acreages greater than 50, consultation with the DTSC is required. However, mitigation of frequency is available to sites based on documentation of consistent ownership, operator, and use. It should be noted that none of our samples were composites but all were discrete samples, so they are more representative of what is actually on the properties. The DTSC's document is a guidance document for school sites and residential properties not those that are to be commercial/industrial. The intent is to avoid having children (schools, residential) from coming in contact with soils with high levels of OCPs.

The bottom line is there are no significant OCPs present on the site. The trace amounts detected in our sampling probably represent the presence of an irrigated crop, such as watermelons, or potatoes at one time, on portions of the property. None to trace amounts of OCPs, orders of magnitude below any regulatory level for residential property, were detected in all of our 50 plus samples over the site.

Response to Comment F-7A-8. Responses are provided for specific comments regarding storm water impacts on water quality. Refer to Responses to Comments F-1-38, F-1-78, F-5-10, F-5-12, F-5-13, F-5-15, F-5-16, F-5-22, F-5-23, and F-7B-5.

Response to Comment F-7A-9. The commenter believes the EIR has not adequately evaluated the project's cumulative impacts or recommended mitigation for loss of agriculture, biological resources, or air quality. The commenter is encouraged to review the revised and new agricultural reports (FEIR Volume 2 Appendices C-2 and C-4, respectively), the revised biological reports (FEIR Volume 2 Appendices E-1 through E-4), and the revised air quality report (FEIR Volume 2 Appendix D) for a more thorough evaluation of the programmatic and cumulative impacts of the project on these environmental issues. The FEIR explains that additional mitigation (MM 4.2.6.1A – see Response to Comment F-7A-39) was added in response to comments for agriculture (i.e., acquisition of an offsite conservation easement for loss of farmland), and revised mitigation measures for biological resources and air quality (FEIR Volume 2, Sections 4.4 and 4.3, respectively). Each of those sections of the DEIR did examine potential cumulative impacts of the WLC project on those environmental issues, which was based on growth projections in the City's General Plan and regional Southern California Association of Governments (SCAG) documents. There has been no evidence provided that would indicate why the cumulative analysis was inaccurate or inappropriate, and the rationale for the design of the cumulative analysis was clearly outlined in Section 2.10 of the DEIR. The analysis of cumulative impacts in the DEIR is adequate under California Environmental Quality Act (CEQA) for this project.

Based on the revised DEIR and the (Western Riverside County) Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis (FCS-MBA 2013 - FEIR Volume 2, Appendix E-1), the cumulative impacts are based on updated and accurate data collected during the 2013 survey season. CEQA requires the discussion of the cumulative impacts of proposed projects. The WLCSP was assessed based on closely related past, present, and future projects that may be developed in the foreseeable future. These guidelines allow for either a List Method or a Regional Growth Projection Method. Since the WLCSP is a program-level document, the Regional Growth Project Method is an appropriate methodology to evaluate cumulative impacts. The significant impacts

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

associated with the WLCSP were assessed based on the contribution to cumulative impacts on a regional basis.

Adoption of the City of Moreno Valley General Plan EIR did not result in significant direct impacts to existing biological resources; however, adoption of the General Plan would lead to future indirect impacts through approval of development projects within the City of Moreno Valley.

Project-related impacts resulting in quantifiable direct impacts to biological resources would be addressed subsequently through analysis at a lower tier, project-specific level of environmental review. MMs 4.4.6.1A-B, 4.4.6.2A-B, 4.4.6.3A-C, and 4.4.6.4A-I, as listed in the DEIR, will reduce the project related impacts to a level less than significant. As a result, the contribution of impacts associated with projects within the WLCSP are fully mitigated and will reduce the cumulative impacts of the WLCSP to a less than significant level.

The WLCSP is located within the Central Planning Area of the City of Moreno Valley General Plan. The CDFW Conservation Buffer Area is located within the San Jacinto Wildlife Area - Mystic Lake Planning Area. Under the General Plan, further environmental review at the project-specific level will be required to minimize the risk of unmitigated impacts being authorized through adoption of the WLCSP.

The following mitigation measures were adopted for the General Plan to provide assurances that potential significant biological impacts associated with the implementation of the proposed General Plan Update would be mitigated. Subsequent project-level environmental review could identify more detailed site-specific mitigation measures. Impacts to Stephens' kangaroo rat, sensitive plant and wildlife species, and Riverine/Riparian Habitat associated with drainage features, could be considered a cumulative impact without mitigation. The following mitigation measures are required under the General Plan and the WLCSP EIR proposes MM 4.4.6.1A-B, 4.4.6.2A-B, 4.4.6.3A-C, 4.4.6.4A-I to reduce project-related impacts to a level less than significant:

1. Private development projects within the City shall comply with the Long-term Habitat Conservation Plan (HCP) for the Stephens' Kangaroo Rat.
2. Private development projects shall comply with the Western Riverside County Multi-Species Habitat Conservation Plan and the associated state and federal permits.
3. Where feasible, projects shall be designed to minimize impacts on sensitive habitat.
4. Prior to physical disturbance of any natural drainage course or wetland determined to contain riparian vegetation or otherwise qualify as a "jurisdictional" wetland or Non-wetland Water of the U.S., the applicant shall obtain a Streambed Alteration Agreement and/or permit, or written waiver of the requirement for such an agreement or permit, from all resource agencies with jurisdiction over such areas (CDFW and USACE).

The long-term HCP for the Stephens' Kangaroo Rat (SKR) was designed to compensate for the loss of SKR individuals and SKR habitat on a regional basis. A total of 48 acres of suitable habitat for SKR occurs within the WLCSP area. Future projects that impact suitable habitat would significantly impact SKR. Projects that are consistent with the requirement of the long-term HCP for SKR would not result in significant project-level impacts, and therefore would also not result in cumulative impacts to SKR on a regional basis. A mitigation fee is required on a project-level basis and is based on the overall size of the project site. Payment of the mitigation fee will reduce the level of impacts to a less than significant impact. The mitigation fees are used to purchase land within the core conservation areas for SKR.

Portions of the WLCSP contains non-native grasslands and Riversidean sage scrub. The past habitat loss along with potential; future development is a potentially significant impact with regard to raptor

foraging habitat, especially for those raptor species that are over-wintering in the Moreno Valley area. The MSHCP has been designed to compensate for the loss of biological resources throughout western Riverside County, and cumulative impacts to existing biological resources resulting through increased future development have been addressed in the MSHCP FEIR/EIS dated June 17, 2003. The MSHCP was designed to set aside large areas of native habitat necessary for the long-term conservation of sensitive plant and wildlife species, while at the same time providing a streamlined process for future development.

Therefore, future development projects within the planning area that conform to the MSHCP would not result in cumulatively considerable impacts for those biological resources adequately covered by the MSHCP. The MSHCP project fee will be used to purchase off-site mitigation lands that will partially compensate for significant impacts associated with raptor foraging habitat. Implementation of 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. Subsequent CEQA review will be required on a project-by-project basis to ensure conformance with the MSHCP and future implementing plans/ordinances at the project-specific level.

The commenter also questions the analysis of cumulative biological impacts from the project. However, as with agricultural impacts described above, the WLC project would be the single largest project in the surrounding area to potentially affect biological resources because much of the remaining open land is owned by the state and already set aside for habitat and species conservation (e.g., Lake Perris, Mystic Lake, SJWA). In response to many comments about cumulative raptor foraging habitat, the MSHCP consistency report and DEIR Section 4.4 were revised to include an analysis of the effect the loss of the WLC property would have on regional raptor foraging habitat. The revised DEIR section concluded these impacts were potentially significant, but that payment of the established MSHCP mitigation fee, which would eventually result in the preservation of thousands of acres of open space habitat and conservation land, represents appropriate mitigation and impacts would be less than significant with payment of that mitigation fee.

For resources not covered adequately by the MSHCP, additional mitigation may be necessary. Any impacts to wetlands or non-wetland waters of the US or waters of the state are cumulatively considerable. Compliance with federal and state regulations (implementation of mitigation measures identified in the Biological Resources Section 4.4 in the DEIR) is expected to reduce these impacts to a level below significance or less than cumulatively considerable. Impacts to non-covered sensitive species or resources resulting from the Land Use Alternatives are not expected to be cumulatively considerable.

The commenter claims that the DEIR's entire cumulative impacts analyses are based on outdated and inaccurate summary of projections. The DEIR also fails to adequately analyze and mitigate the Project's cumulative impacts for agricultural resources and air quality.

The DEIR addresses all potential impacts, is based on the best available data, and applies all feasible mitigation to reduce impacts. However, regarding air quality, mitigation does not reduce cumulative impacts to below a level of significance. Refer to the response to comments which follow. The commenter does not indicate how the summary of projections is either outdated or inaccurate. The air quality analysis provides the most relevant air quality data with regard to cumulative impacts drawing on both regional air quality trends, analysis of the assumptions contained in South Coast Air Quality Management District's (SCAQMD's) Air Quality Management Plan, and analyses conducted by the SCAQMD as part of the Multiple Air Toxics Exposure Study (MATES)-III study. Together, this detailed information provides the basis for cumulative analysis and determination.

The analysis of cumulative agricultural impacts is actually less dependent on growth projections because the WLC project would be the single largest project in the surrounding area to convert

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

agricultural land to development, as much of the remaining open land is owned by the state and set aside for conservation (e.g., Lake Perris, Mystic Lake, SJWA). In response to many comments about direct and cumulative agricultural impacts, the applicant has agreed to provide a conservation easement on offsite agricultural land to mitigate for the loss of unique farmland. It should be noted that the revised agricultural assessments determined the loss of farmland of local importance was in fact not significant under CEQA based on the results of the revised LESA model (see FEIR Section 1.6 for more information).

Response to Comment F-7A-10. The alternatives analysis did identify several alternatives to the project that would lessen some of the significant environmental impacts of the WLC project. However, it must be remembered that any development project of this size would create significant environmental impacts, including air quality, traffic, noise, etc. For example, under the current SCAQMD thresholds, only an alternative that was substantially smaller (i.e., less than 2.5 percent or 1 million square feet) of warehousing would have less than significant air quality impacts. This drawback of the project size was discussed in the introduction to the alternatives section. As shown in DEIR Table 6.S, Alternative 1 (Less Intense Development) reduces air quality, greenhouse gas, and noise impacts of the proposed project, but not to less than significant levels mainly due to the size of the alternative land use plan. Any substantial development project on the WLC property that produces a large amount of new employment (e.g., office, commercial, light industrial) would result in a number of significant impacts such as traffic, air quality, noise, etc., many of which would be similar to those of the proposed WLC project, including truck exhaust pollution issues which would also be generated by light industrial and commercial uses. Therefore, the DEIR correctly rejected Alternative 1 in favor of the proposed project because Alternative 1 would not reduce one or more significant impacts of the proposed project and did not meet the goals of the project as well as the proposed project.

Response to Comment F-7A-11. A large number of comments on the DEIR have been received and responded to. They are included in Volume 1 of the FEIR. The DEIR has been revised to incorporate the information in the responses and has been presented in both redlined (FEIR Volume 2) and clean versions (FEIR Volume 3) so that the changes can be easily identified. The FEIR, including the DEIR as revised, adequately describes and analyzes the project and its impacts and, where appropriate, sets forth appropriate mitigation measures.

While some of the responses contain new information, the new information does not show the existence of new significant environmental impacts nor does it show any substantial increase in the severity of environmental impacts previously identified. Further, the FEIR, which includes the responses to the comments, will be made available for public review prior to the City Council's determination whether to certify the EIR as having been prepared in compliance with CEQA.

Response to Comment F-7A-12. The commenter has accurately summarized the project characteristics that were evaluated in the DEIR, however, several minor changes have been made to the project description since the time the DEIR was circulated, so the commenter should review Section 1.3 of FEIR Volume 1 for additional information in this regard.

Response to Comment F-7A-13. There is no way of verifying the claims of the commenter regarding where its members live, or that hundreds of its members will be impacted by development of the WLC project. However, the City acknowledges the WLC project may result in air pollutant-related health impacts to many residents in the City and surrounding communities, especially those along the SR-60 and other freeways that would serve WLC project traffic. Refer to Master Response-2 in Letter C-3 addressing air quality and health risk.

Response to Comment F-7A-14. The commenter claims that construction workers will be exposed from air pollution emissions from poorly maintained or controlled construction equipment. This potential impact is mitigated by MM 4.3.6.2A, which among other things requires the following: construction equipment shall have Tier 4 engines (which are the cleanest on the market), construction

equipment shall be properly maintained according to manufacturer specifications, construction equipment and vehicles shall be turned off when not in use, onsite idling is limited to three minutes in any one hour, etc. Therefore, the construction equipment will be properly maintained and the emissions are controlled.

In addition, the commenter again mentions the possible risks related to hazardous materials on the project site. The commenter is referred to Response to Comment F-7A-7.

Response to Comment F-7A-15. The City acknowledges the commenter's summary of CEQA requirements regarding goals, alternatives, and abuse of discretion is relatively accurate. The EIR complies with the intent and legal requirements of CEQA in these regards.

Response to Comment F-7A-16. Please see the Response to Comment F-7A-11.

Response to Comment F-7A-17. The DEIR has provided an accurate assessment of baseline conditions on the project site, including those related to hazardous materials, as is discussed later in these comments and responses (refer to Responses to Comments F-7A-18 through F-7A-24). The information provided in this section by the commenter consists mainly of excerpts from CEQA and court cases that dealt with baseline issues.

Response to Comment F-7A-18. The commenter believes the Phase 1 documents for the project site do not provide an accurate assessment of current soil conditions. The City disagrees and contends the many Phase 1 reports done on many parcels throughout the WLC property and over a long period of time constitutes an extensive random sampling of the onsite soils, and demonstrate the site does not contain widespread soil contamination from pesticides. Dry farming does not use a variety of agricultural chemicals because it relies on ambient rainfall and other conditions to support the limited crops grown on the site. Many of the organo-chloro-phosphate (OCP) based chemicals used for more intensive irrigated crops are not used in dry farming due to their cost and lack of irrigation to distribute the chemicals. In addition, the chemicals used in dry farming typically break down quickly in the soil and are not broadcast but rather applied by hand sprayers, so any applications would be necessarily limited. There is no practical reason why intense crop herbicides or pesticides like dichlorodiphenyltrichloroethane (DDT) would be used in conjunction with dry farming in general, and there is no evidence such chemicals were used on the WLC site in the past. In fact, onsite soil sampling conducted for the Phase 1 reports found no evidence of significant OCP contamination on the WLC site. The chicken ranch and related facilities that were on the site for a time are in the process of being removed, including any surficial materials with waste products. There has been no empirical evidence presented that would demonstrate there is actual contamination by agricultural chemicals or wastes on the WLC site.

Response to Comment F-7A-19. The commenter suggests the site has inadequate soil sampling and refers to a DTSC publication for guidance (suggests dichlorodiphenyltrichloroethane (DDT) or dichlorodiphenyldichloroethylene (DDE) may be present). As outlined in the previous Response to Comment F-7A-18, there is no reason to believe or evidence to demonstrate that the site is actually contaminated by OCPs such as DDT or DDE. The references cited by the commenter are general for those chemicals and are not specific to the WLC project site, and do not demonstrate that these chemicals were specifically used on the WLC site. However, the commenter does cite more recent data from the DTSC in later comments that indicates which pesticides and other agricultural chemicals have actually been used on the project site (see Responses to Comments F-7A-21 and 22 below for details).

Response to Comment F-7A-20. The commenter suggests construction workers may be exposed to hazardous chemicals from past agricultural activities during project grading. There has been no evidence presented that actually demonstrate the WLC site has significant pesticide or other

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

contamination related to past or ongoing agricultural activities (see Responses to Comments F-7A-19, -21, and -22 below for details). Therefore, there is no reason to believe that construction workers will be exposed to significant levels of hazardous materials during grading.

Response to Comment F-7A-21. Comments were made about the Phase I ESAs completed for the project. The commenter believes the assessment is outdated and inadequate. The project site is currently used for wheat cultivation but no samples were collected in association with the 2013 Phase I ESA. The commenter believes because the project site is still used for agricultural purposes, relying on sampling results from eight years ago will not reflect pesticide residuals that may exist in site soils from agricultural use of the site from 2005 to present-day. The commenter also believes additional pesticide sampling, to include 2, 4-D, 2-ethylhexyl ester, and any other pesticides that may have been used for wheat farming, should be conducted.

According to records from the DTSC provided by the commenter, dry farmed agricultural properties of the WLC project site have had pesticides like 2,4-Dichlorophenoxyacetic acid, commonly called 2, 4, D applied in the past. 2, 4 D is the 3rd most common herbicide used in the US and can be purchased at retailers like Home Depot and Lowes. 2,4 D has a half-life of a few days to two weeks, depending on site conditions (available water, sun etc.). Within a few months after application, the residual amount of pesticide is less than 1 percent. Dry farming operations, and any pesticide application, will have ceased well before the actual grading of the site, and any current pesticide application, will have biodegraded to less than significant levels. 2,4 D was the most common pesticide applied to the site, often combined with Agri-Dex (as indicated in the DTSC records) which is used as a wetting agent to increase absorption of the 2, 4 D. The DTSC records indicate these chemicals were applied to grapes on the site, but there are no areas of cultivated grapes at present on the WLC site. It is possible some of these materials were used on the rural residences on the site, however the 2, 4 D and Agri-Dex were by far the most common chemical used on the site by weight in 2010, which accounted for almost a thousand pounds of chemical applied. Other chemicals applied to properties within the WLC site during that time include pyrethrins, spinosad, beta-cyfluthrin, sulfur, "Roundup" (glyphosate), "scythe, and rimsulfuron mainly as herbicides and fungicides, but less than one pound of each of these materials was typically applied at a given time, so the overall potential exposure is considered to be relatively minor at present. Therefore, there is no evidence there will be adverse environmental impacts on adjacent property owners or WLC site workers from past pesticide applications at the site, including 2, 4 D. However, to err on the side of caution, MM 4.8.6.1A has been modified to include soil sampling for agricultural chemicals prior to grading of the 7 rural residential lots where it is possible more chemical materials were applied in more concentrated locations than broadcast on large wheat fields.

Response to Comment F-7A-22. The commenter expresses concern about pesticide exposure for the 7 onsite rural residences especially to 2,4-Dichlorophenoxyacetic acid. As outlined in Responses to Comments F-7A-18 and F-7A-21, the City does not believe the site contains significant soil contamination that would affect onsite workers or residents of the 7 rural residences. In addition, the main pesticide of concern cited by the commenter has a short life (half-life of a few days to two weeks) and breaks down quickly in the soil when present. However, MM 4.8.6.1A will be modified to include soil sampling for agricultural chemicals prior to grading of the 7 rural residential lots.

Response to Comment F-7A-23. Comments were made that the DEIR's baseline regarding hazardous materials or conditions was not accurate because it did not include the entire project area.

The Phase I ESA (January, 2013) has been amended to include these parcels. The parcels are and have been historically the same as the adjacent parcels, that is vacant, and/or dry farmed land. The inclusion of these parcels into the Phase I ESA does not change the conclusions and recommendations presented in that report, (see attached Addendum Letter dated October 22, 2013 located in FEIR Volume 2, Appendix I).

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-7A-24. Based on the updated DEIR and the MSHCP Consistency Analysis (FCS-MBA 2013 - FEIR Volume 2, Appendix E), the cumulative impacts are based on updated and accurate data collected during the 2013 survey season. An updated cumulative impact section fully analyzes all WLCSP cumulative impacts and determined that there would be no significant impacts with implementation of the project mitigation identified FEIR Volume 2 Section 4.4.

Response to Comment F-7A-25. The DEIR did not identify the loss of raptor foraging habitat as a potentially significant impact due to the lack of significant prey base and poor quality foraging habitat. Based on the revised DEIR and the MSHCP Consistency Analysis (FCS-MBA 2013 - FEIR Volume 2, Appendix E-1), the loss of low-quality foraging habitat remains unchanged and is still not considered a significant impact.

Although the findings the McCrary, et al. and the Beckman, et al. reports are not discounted, the WLCSP is dominated by routinely disked agricultural fields that are dry-land farmed and rely on natural rainfall for irrigation. The McCrary, et al. and the Beckman, et al. reports are based on survey areas with much different foraging habitats than foraging habitat associated with the WLCSP. The vegetation communities within the WLCSP do not provide moderate to high quality foraging habitat for sensitive raptor species. The majority of the suitable foraging habitat in the vicinity of the WLCSP area includes artificially irrigated alfalfa fields, grain crops, and dairy farms.

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. However, the WLCSP does not have more than moderately suitable foraging habitat for the loss of 2,610 acres of foraging habitat in a region with thousands of acres of foraging habitat would not be considered significant with the implementation of the following new MM 4.4.6.4C has been added to FEIR Volume 2 Section 4.4.6.3:

4.4.6.4C The loss of foraging habitat for golden eagle and white-tailed kite will be mitigated by payment of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) fee and the creation of a landscaped buffer area adjacent to the San Jacinto Wildlife Area property (SJWA). First, the payment of the Western Riverside County Multiple species Habitat Conservation Plan fee will be required on a project-by-project basis. Second, a 250-foot setback as described in Mitigation Measure 4.4.6.1A will be established within the World Logistics Center Specific Plan area. This area will reduce impacts to raptor species foraging in the adjacent San Jacinto Wildlife Area open space areas.

Response to Comment F-7A-26. In response to comments on the DEIR, the MSHCP Consistency Analysis (FCS-MBA 2013 - FEIR Volume 2, Appendix E-1) included an updated 2013 burrowing owl survey. The 2013 burrowing owl survey complied with all applicable MSHCP guidelines for conducting burrowing owl surveys. The previous burrowing owls surveys (2005, 2007, and 2010), were included in the DEIR as additional information to provide background information regarding burrowing owl. The 2013 surveys 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. A total of five biologists conducted surveys over a three day period to cover the entire WLCSP area. All potential burrow sites were identified and mapped. All suitable habitat areas, which included these burrow locations, were surveyed on four separate occasions, approximately one week apart.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

A single burrowing owl pair was observed onsite during the 2013 survey season. The pair is considered a nesting pair and at least one of the fledglings was killed shortly after fledging the nest. The owl was most likely killed by a feral dog, which are known to occur within the project site, but was not confirmed. Because of the different kind of surveys that have been conducted on the project site and the number of surveys over the last 8 years, burrowing owl populations have been monitored over the years.

The first burrowing owl observation was made on May 10, 2005. The first burrowing owl was observed just south of Dracaea Avenue at the western end of a windrow. The actual burrow was not observed because it was located beneath a stack of trash and debris that was stack on the side of a dirt berm. In an attempt to minimize impacts to potentially nesting burrowing owls, there was no attempt to remove the debris to find the burrow. However, this area was resurveyed during the 2007, 2010, and 2013 focused surveys and no burrowing owls were observed.

During a wetland delineation survey, a burrowing owl individual was observed within the detention basin located at the north end of the WLCSP, south of the Skechers facility. This individual burrowing owl was not observed in any nesting or courtship behavior. Following the wetland delineation fieldwork, the project site was visited on a number of subsequent site visits to check on the status of the burrowing owl. This information was not included in the burrowing owl survey, because it was not part of a burrowing owl protocol survey. The detention basin was visited in June and July 2012 and no burrowing owl were observed.

Based on the number of surveys conducted within the project site and the recorded occurrences of burrowing owl, nesting activities has only been recorded to occur in 2005 and 2013. Burrowing owl has only been recorded in 2005, 2012, and 2013. Although infrequent, it appears that at least one pair of burrowing owl is a breeding season resident within the project site. However, there has been no observation of burrowing owl within a Criteria Cell. Any impact to a single breeding pair of burrowing owl located outside of a Criteria Cell does not require conservation under MSHCP guidelines. If more than three pairs of burrowing owl are observed within the WLCSP, conservation of 90% of the suitable habitat will be required until the conservation goals for burrowing owl as described in the MSHCP are met.

MM 4.4.6.4A, B, and D requires a pre-construction clearance survey for burrowing owl be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities for all projects with the WLCSP.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the proposed ground-disturbing activity during the 30-day pre-construction survey, construction activity shall maintain a 500-foot buffer area around any active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. If this avoidance buffer cannot be maintained, consultation with the CDFW shall take place and an appropriate avoidance distance established. No disturbance to active burrows shall occur without appropriate permitting through the Migratory Bird Treaty Act and/or CDFW.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFW. A relocation plan may be required by CDFW if passive relocation is necessary. Artificial burrows locations will be identified in a Burrowing Owl Relocation Plan, which will be approved by CDFW prior to burrowing owl relocation. Construction activity may occur within 500 feet of the burrows at the discretion of the biological monitor.

Response to Comment F-7A-27. Protocol surveys for Los Angeles pocket mouse (LAPM) were conducted within all suitable habitat areas within the WLCSP, including off-site improvement areas during the 2013 survey season. Since there is no formally written protocol for LAPM, the survey protocol for Pacific pocket mouse (a federally endangered species) was utilized. The Pacific pocket mouse is a subspecies related to the LAPM. Protocol surveys were also conducted in 2010 and 2012. No LAPM were observed during any of the surveys. Based on Riverside Conservation Authority (RCA) data, no recorded occurrences of LAPM occur within the vicinity of the WLCSP. This species is considered absent from the WLCSP and there will be no project related impacts to LAPM. Therefore, no mitigation measures are required.

Response to Comment F-7A-28. Under the MSHCP, protocol level plant surveys are required within areas designated as Narrow Endemic Plant Survey Areas as well as Cell Criteria Plant Survey Areas (MSHCP Section 6.3.2). There are no portions of the WLCSP that fall within a designated Narrow Endemic Plant Survey Areas and/or Cell Criteria Plant Survey Area (FCS-MBA 2013 - FEIR Volume 2, Appendix E-6). Therefore, protocol surveys are not required for those species that are considered covered under the MSHCP. Focused plant surveys were conducted in 2010 to identify sensitive plant species that were not covered by the MSHCP or are conditionally covered by the MSHCP. The entire WLCSP was assessed to determine the suitable habitat areas that require surveys. It was determined that the suitable habitat areas did not include the entire WLCSP are, but was limited to the undisturbed portions of the WLCSP, which typically includes the drainage features.

The 2010 focused plant survey was conducted within the four drainages of the WLCSP that contain suitable habitat for sensitive plant species within the appropriate flowering period for the sensitive plant species that potentially occur within the project site. The surveys were conducted based on CDFW approved sensitive plant survey protocol. The Riversidean Sage Scrub communities within the survey area are not within the proposed development footprint and will not be impacted by project development. At this point, impacts to sensitive plant species are not expected to occur within the WLCSP.

However, recent surveys were not conducted within the WLCSP because of the extended drought conditions, which has resulted in less than average rainfall since the 2010 surveys were conducted. Since the development of the WLCSP may take up to 15 years, updated focused plant surveys may be required as part of the project specific assessment required for the CEQA process, but will not be required for any Narrow-Endemic or Criteria Cell Plant species. The WLCSP is not located within the survey area for any Narrow-Endemic or Criteria Cell Plant species.

Response to Comment F-7A-29. In response to comments on the DEIR, an updated MSHCP Consistency Analysis (FCS-MBA 2013, FEIR Volume 2, Appendix E) was prepared including an updated list of special-status wildlife species, as designated by the USFWS and CDFW. The list of species includes Northwestern San Diego Pocket Mouse, San Diego Desert Woodrat, Bell's Sage Sparrow, White-tailed Kite, and Ferruginous Hawk and Merlin. All of these species are covered under the Western Riverside County MSHCP. American Badger and Western Yellow Bat are not covered under the MSHCP and grasshopper sparrow is a conditionally covered species under the MSHCP, but these species are not likely to occur within the project site.

Seven 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 require payment of the MSHCP fee. It should also be noted that Drainage 9 will remain as an open drainage feature with

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

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.

Response to Comment F-7A-30. Eight San Diego desert woodrat were captured during the 2010 surveys and a single San Diego desert woodrat was caught during the 2013 surveys. Development of selected portions of the WLCSP will have an adverse effect on San Diego desert woodrat. The only place within the WLCSP that contains suitable habitat and is considered occupied for San Diego desert woodrat is within Drainage 9 south of Alessandro Boulevard and north of the existing gas pipeline and within the northern portion of Drainage 8, just north of Gilman Springs Road, in a potential off-site detention basin location. San Diego desert woodrat is a covered species under the MSHCP, therefore mitigation for adverse effects on San Diego desert woodrat will require 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 and will be regraded along the northern portion of the drainage to provide a more gradual transition at the Alessandro Boulevard crossing. Drainage improvements may occur within the active channel of Drainage 8, just north of Gilman Springs Road. If this location is selected for a detention basin, the basin will be incorporated with the existing channel to minimize impacts to this species as a project design feature.

Response to Comment F-7A-31. Based on the revised MSHCP Consistency Analysis (FCS-MBA 2013 - FEIR Volume 2, Appendix E), all American badger recorded occurrences within the vicinity of the project site have been limited to the Badlands area north and east of the WLCSP. No evidence or observations of American badger have occurred during the 8 years of surveys within the WLCSP. American badger is known to occur within the rolling foothills adjacent to valley areas. This species is typically not found within areas of cultivated soils. Therefore, it is unlikely that this species occurs within the WLCSP. It was given a low-potential to occur within the project site, due to the close proximity of suitable habitat, which is associated with the Badlands area north of Gilman Springs Road. It is highly unlikely that the American badger would utilize any portion of the WLCSP and therefore no adverse effect will occur and no mitigation will be required.

Response to Comment F-7A-32. Based on the revised MSHCP Consistency Analysis (FCS-MBA 2013 - FEIR Volume 2, Appendix E), the western yellow bat occurs in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. It has also been observed within native and non-native palm trees in more urbanized areas, but is commonly found near water features such as stock tanks, ponds, streams, and rivers. There are no such water features within the WLCSP. Although a few palm trees are still standing within the WLCSP, they have been unmaintained for years and are in poor health. Most of the palms have lost their skirt of dead fronds and therefore, no longer provide suitable roosting habitat. This species is unlikely to occur within the WLCSP and no further mitigation is required.

Response to Comment F-7A-33. A single incidental observation of Bell's sage sparrow was observed during a burrowing owl survey in 2005. This is the only recorded observation of this species within the WLCSP during the last eight years of surveys. This species is considered present within the project site, although its presence is limited (FCS-MBA 2013 - FEIR Volume 2, Appendix E). Bell's sage sparrow is a covered species under the MSHCP; therefore, mitigation for adverse effects on Bell's sage sparrow will be satisfied by payment of the MSHCP Development Fee.

Response to Comment F-7A-34. The reference to grasshopper sparrow as present within the WLCSP was incorrect and has been corrected. The DEIR references the presence of grasshopper sparrow from a previous burrowing owl protocol survey, but the DEIR does not reference the date of the survey. Based on a review of the 2005, 2008, 2010, 2012, and 2013 burrowing owl survey reports, this species was not observed.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Also, based on the revised MSHCP Consistency Analysis (FCS-MBA 2013 - FEIR Volume 2, Appendix E), grasshopper sparrow is not likely to occur within the project site. This species is commonly found in grasslands, but may also be found in prairies, old fields, some agricultural fields, and open savannas. This species is an uncommon and very local summer resident on grassy slopes and mesas west of the deserts. Since grasshopper sparrow is not likely to occur within the WLCSP, no additional mitigation measures are required.

Response to Comment F-7A-35. White-tailed kites are considered present within the project site (FCS 2013). This species is listed as California fully protected species. The CDFW does not provide incidental take authority for any state fully protected species, unless specifically covered under a MSHCP. Impacts to white-tailed kites are considered a potentially adverse impact. White-tailed kites are covered under the MSHCP (Section 2.1.4) and therefore payment of the MSHCP fee will fully mitigate for adverse impacts to white-tailed kites.

In addition, nesting activities of white-tailed kites are also protected under the Federal Migratory Bird Treaty Act. MMs 4.4.6.4A and 4.4.6.4B outlined in the DEIR will be required on a project-by-project basis to reduce impacts to nesting birds and burrowing owls to less than significant levels.

Response to Comment F-7A-36. Both ferruginous hawk and merlin have a low potential to occur within the project site due to a lack of suitable foraging habitat. Ferruginous hawk typically occur in open grasslands, sagebrush flats, desert scrub, low foothills, and fringes of pinyon-juniper habitats. It has also been observed in irrigated croplands in southern California during the winter. Merlin commonly occur within seacoast, tidal estuaries, open woodlands, savannas, edges of grasslands and deserts, farms and ranches. Clumps of trees or windbreaks are required for roosting in open country.

Although it is unlikely that ferruginous hawk and merlin occur within the WLCSP, it cannot be completely ruled out. Therefore, the loss of foraging habitat for ferruginous hawk and merlin may be considered an adverse impact but less than significant, based on the poor quality of habitat.

The loss of low-quality foraging habitat is not a potentially significant impact and will not require mitigation (FCS-MBA 2013 - FEIR Volume 2, Appendix E). The WLCSP is dominated by routinely disked agricultural fields that are dry-land farmed and rely on natural rainfall for irrigation. This type of habitat does not provide moderate to high quality foraging habitat for sensitive raptor species. However, raptor species, such as golden eagle and white-tailed kite, may utilize the project site for foraging. Impacts to these California fully protected species is considered a potentially significant impact that require mitigation. Due to the close proximity of the SJWA, which contains moderate to high quality raptor foraging habitat, impacts to the WLCSP will require mitigation to off-set potentially significant impacts. The MSHCP Development Fee, may generate as much as \$14 million in fees, which may be used to purchase land to contribute to the core conservation areas established under the MSHCP. This land will be used to compensate for the loss of low-quality raptor foraging habitat. However, payment of the MSHCP fee will reduce the project related impacts to low-quality raptor foraging habitat to a less than significant level by the long-term acquisition of land that supports raptor foraging, as outlined in the MSHCP (FEIR Volume 2 Appendix E-1).

Response to Comment F-7A-37. An updated wetland delineation report (2013 - FEIR Volume 2, Appendix E-13) was prepared to address concerns regarding regulatory agency jurisdiction over the drainage features within the WLCSP. The previous jurisdictional delineation assumed CDFW jurisdiction over a select portion of Drainages 7 and 9. It also assumed that since the drainage features were all isolated and not likely under USACE jurisdiction that the drainage features were also not under RWQCB jurisdiction.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

All identifiable and potentially jurisdictional drainages on the site were mapped and included in the draft Program EIR and the draft wetland delineation. Currently regulatory jurisdiction of the features is based on the existing regulatory guidance including the 1987 Regional Supplement to the USACE Wetland Delineation manual: Arid West Region and Rapanos guidance. Prior to any future development, specific project proposals will have to undergo separate environmental review under CEQA and will be required to secure a formal jurisdictional determination from the USACE as well as jurisdictional determinations from the RWQCB and CDFW.

MM 4.4.6.3A requires that the applicant shall secure a jurisdictional determination with the USACE and confirm with the RWQCB and CDFW to determine if drainage features mapped on the property are subject to jurisdictional authority and protection. If the features are subject to regulatory protection, the applicant will secure permit approvals with the appropriate agencies prior to initiation of construction.

The updated jurisdictional delineation report assumes CDFW jurisdiction over the entire length of Drainages 7, 8, 9, 12, and 15. In addition these areas are also under the jurisdiction of the RWQCB. A maximum of 5.0 acres may be under CDFW and RWQCB jurisdiction. It should also be noted that Drainages 12 and 15 are hydrologically connected to downstream waters of the US and are also under the USACE jurisdiction. Mitigation for impacts to no more than 5.0 acres of waters of the State will be mitigated by the creation of a minimum of 5.0 acres of habitat creation or purchase of credits at an approved mitigation bank. Revised MM 4.4.6.3A addresses potentially significant impacts to waters of the State (refer to Response to Comment A-1-1, F-1-10, F-1-15, F-7C-16, and F-8-19).

Any impact to drainage features that are under regulatory agency jurisdiction or are considered riparian/riverine areas under the MSHCP are considered potentially significant and will require compensatory mitigation at a minimum of a 1:1 mitigation ratio through onsite creation, off-site creation, or purchase of available mitigation credits through an approved mitigation bank. Compensatory mitigation will be negotiated during the permit acquisition process.

A Compensatory Mitigation Plan may be required for all unavoidable impacts and will be consistent with the USACE/USEPA's *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* and the USACE's *Standard Operating Procedure for Determination of Mitigation Ratios*.

In response to the general discussion regarding the adequacy of the investigation of the existence of all sensitive biological resource at the project site, it should be noted that a complete assessment of the biological resources within the WLCSP was updated during the 2013 field season. A review of the resource agencies comments regarding the Notice of Preparation provided the necessary information to adequately assess and analyses project related impacts to sensitive biological resources. Updated surveys were conducted for burrowing owl, LAPM, vegetation mapping, jurisdictional delineation, and possible off-site facilities. This update can be found in the MSHCP Consistency Analysis (FCS-MBA 2013 - FEIR Volume 2, Appendix E-1) and Determination of Biologically Equivalent or Superior Preservation (DBESP) Report (FCS-MBA 2013 - FEIR Volume 2, Appendix E-7).

Response to Comment F-7A-38. This comment is mainly excerpts from CEQA and the CEQA Guidelines, as well as several court cases related to significant impacts and the requirement to apply all feasible mitigation. The DEIR as amended does provide all feasible mitigation, yet due to the size of the project, some significant impacts will remain. Therefore a Statement of Overriding Considerations is required to be adopted by the City Council which demonstrates what overriding economic or other benefits the WLC project may have that outweigh the significant impacts.

Response to Comment F-7A-39. The commenter's statements about agricultural mitigation, as well as recent court cases on that topic, have led to the reconsideration of the issue of what is feasible mitigation for loss of agricultural land. Accordingly, the following mitigation measure is included in the FEIR Volume 2:

4.2.6.1BA Prior to the issuance of any grading permit affecting land designated as “Unique Farmland” (Figure 4.2.2 in the World Logistics Center EIR), an Agricultural Conservation Easement shall be recorded over land of equivalent or better agricultural economic productivity of the offsite easement property compared to the WLC property. The calculation of comparable agricultural productivity shall take into account soil conditions, drainage, irrigation limitations, and reasonable estimates of crop types and average yields for both sites. The form and content of this easement, as well as the estimates of agricultural productivity, shall be reviewed and approved in advance by the Planning Official.

This measure was added to address the loss of Unique Farmland which was identified in the revised Draft EIR as a significant impact of the WLCSP project. The EIR analysis was modified to incorporate data from a revised study and a new study of agricultural impacts based on the State LESA Model (see FEIR Volume 2 Appendix C-2).

Response to Comment F-7A-40. The region’s benign climate and good soils have not been adequate to sustain the Inland Empire’s agriculture industry. The region’s purported transportation advantages have not been adequate to sustain the region’s agriculture industry. Changes in the market economy have not been adequate to sustain the Inland Valley’s agriculture market. Despite trends and different government programs, agriculture production and employment has generally continued to shrink in the Inland Empire. In fact, the Inland Empire region was dead last in agriculture production growth and agriculture employment growth between 2004 and 2010. Agriculture production shrank by 28% and agriculture employment shrank by 27% in that time period. This has occurred despite the fact that the production in the Inland Empire as a whole and agriculture production for the state as a whole modestly grew during that time period. Moreover, agriculture has become a diminishing segment of Inland Empire economy. In 2004, it accounted for 5.7% of the economy and by 2010, it accounted for 4.1%, representing a 28.1% decline in relative size. Sales to local markets have not been adequate to sustain the Inland Valley’s agriculture market.

Response to Comment F-7A-41. The commenter acknowledges the DEIR concludes that loss of the “locally significant” agricultural land on the WLC project site is a significant impact. A new mitigation measure which would largely mitigate this impact, is outlined in Response to Comment F-7A-39 and is included in the FEIR Volume 2.

Response to Comment F-7A-42. The agricultural assessment for the WLC project (DEIR Appendix C) clearly outlines why “active” (irrigated, cultivated) agriculture is no longer viable in this portion of western Riverside County (DEIR Appendix C-1). The commenter states most of the WLC site is currently farmed, but fails to note it is dry farmed meaning minimal tillage and no there is no active irrigation (only natural precipitation). Dry farming is usually only marginally productive economically, and is only pursued when more active farming and more lucrative crops can be grown. As indicated in the Chang report (DEIR Appendix C), the most influential reasons for the economic decline of farming in this area are rising land prices as urban growth expands into rural areas, and rising water costs. The commenter argues against declining agriculture in this area, and cites data from the Riverside County Farm Bureau to support the argument. However, the commenter fails to note that as agriculture has declined in the western portion of the County, it has slowly moved out to more rural areas in the far southwest and eastern portions of the County (e.g., San Jacinto, Coachella Valley). This trend is the reason for the increased agricultural production numbers county-wide. In any event, the commenter should refer to Response to Comment F-7A-39 which outlines a new mitigation measure (MM 4.2.6.1A) that will protect agricultural land into the future. In addition, Response to Comment F-7A-45 explains why local groundwater cannot be used to irrigate onsite crops.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-7A-43. The DEIR has been revised to require the project applicant obtain conservation easements over agricultural land so as to provide for the preservation of agricultural land of equal quality to that which will be converted to non-agricultural uses as a result of the development of the area subject to the WLCSP. See MM 4.2.6.1A in Response to Comment F-7A-39.

Response to Comment F-7A-44. The project does not propose the “loss of over 3,400 acres of active farmland” as stated in this comment. As stated in the DEIR (DEIR, page 4.2-16), the project will impact 25 acres of “Unique Farmland,” and 2,610 acres of “Farmland of Local Importance.” The additional LESA Model studies and the revised Draft EIR (FEIR Volume 2) determined that the only significant agricultural impact of the WLCSP project was the loss of the Unique Farmland, and the revised DEIR proposed a revised mitigation measure (MM 4.2.6.1A, offsite agricultural easement) to address this impact. See Response to Comment B-6-10 regarding the heritage farm mitigation (MM 4.2.6.1A) which has been eliminated in favor of the new mitigation measure language.

In response to comments received regarding the issue of the loss of agricultural resources, additional analysis was conducted on the subject by the Agribusiness, Natural Resources & Energy Practice Group of Cushman & Wakefield Western, Inc. Part of their analysis included the preparation of a LESA Model report to validate assumptions made in the DEIR. The Cushman & Wakefield analysis (FEIR Volume 2 Appendix C-4) determined that, contrary to the information in the DEIR, the project will impact 25 acres of unique farmland and 2,201 acres of farmland of local importance, but that only the loss of the Unique Farmland is considered a significant impact. Based on the corrected numbers and application of the LESA Model, as documented in the revised ag study and the new Cushman Wakefield study, the project’s only impact on agricultural resources is the loss of Unique Farmland. Based on this revised information, it was determined that MM 4.2.6.1A (the 5-acre heritage farm) as no longer the most appropriate mitigation, but instead proposes revised mitigation language (offsite agricultural easement) as the most appropriate mitigation for project impacts to agriculture.

The reader should refer to Responses to Comments B-6-10 and F-7A-39 for information on an additional mitigation measure for loss of agricultural land, consistent with the commenter’s recommendations.

Response to Comment F-7A-45. The commenter provides extensive information about potential crops that could be grown in the Moreno Valley area if economical reclaimed water was available. It should also be noted the recent study cited and prepared by the commenter was for a small parcel of land to raise organic vegetables, which have a much higher sales price than most typical row crops or other crops typically grown in this area.

At this time, reclaimed water is not economically available to the WLC project site, and would require an extensive network of irrigation pipelines to be installed to support raising irrigated crops on the site. When the cost of infrastructure improvements necessary to actually supply reclaimed water to the site are factored in, irrigated crops are not financially feasible over the long-term for the WLC property. In addition, local groundwater, which could be available via several onsite agricultural wells, cannot be used to irrigate crops due to its high nitrate and salinity. In the California LESA Model Report prepared by Cushman & Wakefield Western, Inc. December 2013 (FEIR Volume 2 Appendix C-4), it was noted “...the ground water quality is poor and would not be able to support production of high value crops needed to produce enough income to cover water costs. A water study provided from a 2012 well test revealed the ground water to be inadequate for most landscaping plants. In fact, the water’s Total Dissolved Solids (TDS) level of 980 milligrams per liter (mg/L) exceeds the maximum level that the Eastern Municipal Water District (EMWD) has set for sewer water discharge (800 mg/L).”

EMWD monitors the West San Jacinto Ground Water Basin and has expressed concern with well water use on the project. These concerns revolve around overdraft of the groundwater basin and the shift in the migration of poor water quality into areas with good water quality. In addition, extensive

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

water use with crop production has the potential to leach more salts from the ground into the groundwater. In the Metropolitan Water District September 2007 “Groundwater Basin Reports - West San Jacinto Basins” they cited the consideration for the West San Jacinto Basins include: “*The primary constraint on groundwater extraction is poor water quality, which limits use of groundwater as a potable water source. Another related limiting factor involves controlling the migration of poor quality water into areas of pumped good quality groundwater.*” The Department of Water Resources - California Groundwater Bulletin 118 draws a similar conclusion on the impairment of the groundwater noting “*Pumping is causing groundwater of high TDS content to move from the western part of the basin into groundwater of lower TDS content in the central part of the basin* (TechLink 202; EMWD 2003).”

According to Highland Fairview, there are numerous wells located in the project area. Currently, the wells are either sealed or no longer have an electrical power source for pump operation. Well operation typically results in a rough cost of \$300 to \$350 per acre-foot of water to lift it out of the ground (pumping costs do not include well maintenance and reserves for repairs). However, the ground water quality is poor and would not be able to support production of high value crops needed to produce enough income to cover water costs. A water study provided from a 2012 well test revealed the ground water to be inadequate for irrigating most landscaping plants. In fact, the water’s Total Dissolved Solids (TDS) level of 980 mg/L exceeds the maximum level that the EMWD has set for sewer water discharge (800 mg/L). Additionally, capital expenditures would be needed to bring the irrigation system back to functional operation. Therefore, this would not a feasible source of irrigation water based upon ground water quality and irrigation costs (personal communication P. Revere, December 30, 2013).

Response to Comment F-7A-46. As outlined in Response to Comment F-7A-39, a new mitigation measure (MM 4.2.6.1A) that requires the acquisition of an agricultural conservation easement to preserve land of comparable productivity for agricultural use, as recommended by the commenter.

Response to Comment F-7A-47. The commenter claims that the DEIR fails to mitigate particulate matter emissions from project construction. The commenter then identifies additional mitigation for particulate matter, which are already included in SCAQMD Rule 403. The project is already required to comply with SCAQMD Rule 403 because it is an existing regulation; therefore, the fugitive dust measures are not required as mitigation (which is over and above compliance with established laws and regulations).

Suggested Mitigation Measure	Response
<ul style="list-style-type: none"> - All clearing, grading, earthmoving, or excavation activities shall cease when winds exceed 25 miles per hour per SCAQMD guidelines in order to limit fugitive dust emissions; - The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day; - Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 0.6 meter (2 feet) of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicular Code Section 23114; and - The contractor shall ensure that traffic speeds on unpaved roads and project site areas are 15 miles per hour or less to reduce fugitive dust haul road emissions. 	<p>Already Included in SCAQMD Rule 403. As discussed in the DEIR, fugitive dust reduction measures are already included in SCAQMD Rule 403 and therefore are not required to be mitigation measures. The project will comply with all applicable requirements in SCAQMD Rule 403.</p>
<ul style="list-style-type: none"> - Limiting fugitive dust emissions from any active operation, open storage pile, or disturbed surface area if the dust emission exceeds 20 percent opacity; 	

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
<ul style="list-style-type: none"> - Prohibiting track-out to extend 25 feet or more in cumulative length from the point of origin from an active operation. Notwithstanding the preceding, all track-out from an active operation shall be removed at the conclusion of each workday or evening shift; and - Not disturbing an area of five or more acres, or with a daily import or export of 100 cubic yards or more of material, without utilizing at least one of the following measures at each vehicle driveway from the site to a paved public road: installation of gravel pads; pave any surface extending at least 100 feet and at least 20 feet wide; utilize a wheel shaker and wheel washer to remove dirt and mud from tires and vehicles before they exit the site. 	

Response to Comment F-7A-48. The commenter identifies some additional mitigation measures to integrate into the project. These measures are discussed below.

Suggested Mitigation Measure	Response
Installation of air filtration systems in home of adjacent residents.	Not Incorporated. Please refer to Master Response-5.
Air quality monitoring in surrounding area.	Not Incorporated. Air quality monitoring would not reduce emissions or impacts; the commenter did not identify any potential benefit for air quality monitoring. In addition, there is an air quality monitoring station in Riverside, which provides a background sufficient for purposes of determining whether the project area is in attainment.
100 kW capacity solar photovoltaic system.	Incorporated. MM 4.16.4.6.1C requires onsite solar.
LEED Silver certified project buildings.	Partially Incorporated. MM 4.16.4.6.1C requires LEED certification for all buildings; LEED silver is not applied as discussed in Response to Comment A-4-4.
Electric vehicle charging stations.	Already Included. This measure is included in MM 4.3.6.4A.
Tier 4 off-road equipment (construction).	Partially Included. MM 4.3.6.2A has been refined and requires that off-road diesel powered construction equipment greater than 50 horsepower meet Tier 4 standards.

Response to Comment F-7A-49. The commenter believes the DEIR should be revised. The DEIR and technical studies have been revised to amplify and clarify information (see Response to Comment F-7A-11). The commenter indicates that a revised DEIR should be prepared to implement all applicable and feasible mitigation measures. As discussed in Response to Comments F-7A-48, several of the feasible mitigation measures as suggested by the commenter are implemented.

Response to Comment F-7A-50. The commenter indicates that CEQA requires analysis of both direct and indirect environmental impacts.

This was accomplished in the DEIR and in the revised analysis. The air quality and greenhouse gas analysis quantifies direct emissions (architectural coatings, consumer products, natural gas, onsite equipment, and emergency generators) and indirect emissions (offsite mobile vehicles, electricity, and waste). Emissions of VOC, NO_x, CO, PM₁₀, and PM_{2.5} are above the SCAQMD's operational significance thresholds. Estimation of emissions from onsite equipment was added to the revised air quality analysis (FCS/MBA 2015). The greenhouse gas analysis quantifies direct emissions (onsite equipment, emergency generator, refrigerants, and natural gas) and indirect emissions (mobile vehicles/trucks, electricity, waste, and water use). Both the air quality and greenhouse gas analysis estimate construction related emissions as well (DEIR, Impact 4.3.6.2 (pages 4.3-53 – 58), Table 4.7.E - page 4.7-29; revised analysis (FCS/MBA 2015).

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The commenter also indicates that the project would be a major source of indirect pollution since it will attract diesel trucks to the area. The air pollution generated by these diesel trucks was quantified in the DEIR (see Impact 4.3.6.4 for a quantification of the regional emissions; Impact 4.3.6.3 for the localized impact; Impact 4.3.6. for the health risk impact) and in the revised analysis (FCS/MBA 2015).

The commenter requests that the EIR should analyze a requirement that the project implement a mitigation measure similar to San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 9510, the Indirect Source Rule. The project cannot implement a rule similar to Rule 9510 for the following reasons.

1. The rule is only applicable to the San Joaquin Valley Air Pollution Control District and not to the SCAQMD.
2. The commenter states that this measure could “reduce pollution by almost 50%.” Rule 9510 does not require that all pollution of the project be reduced by 50 percent. For operational emissions, it requires that applicants do the following:
 - Reduce 33.3 percent of the project’s operational baseline NO_x emissions over a period of ten years as quantified in an approved Air Impact Assessment (AIA) and
 - Reduce 50 percent of the project’s operational baseline PM₁₀ emissions over a period of ten years as quantified in an approved AIA.

The AIA required by Rule 9510 is prepared using different methodology and assumptions than in CEQA analyses. The SJVAPCD AIA allows the developer to propose project specific information like vehicle fleet, trip length (such as the default CalEEMod trip lengths), and to use a phasing plan to spread out the development; it does not need to match the EIR. The AIA also uses the CalEEMod mitigation component for operational mitigation measures; therefore, the project would be able to deduct a greater percentage for things like pedestrian features and bicycle lanes.

3. The project applicant and the City do not have the resources and the same potential emission reduction sources that the SJVAPCD has available. Rule 9510 works in the San Joaquin Valley because the SJVAPCD manages it. The SJVAPCD also finds offsite emission reduction projects, such as replacing old agricultural engines with newer and cleaner equipment. The project applicant and the City do not have those resources available.

Response to Comment F-7A-51. See Response to Comment B-3-4.

Response to Comment F-7A-52. The DEIR, Section 4.4.1.13 generally discussed raptor foraging habitat, but did not provide a detailed discussion of the subject and did not provide a sufficient analysis to assess whether the loss of raptor foraging habitat within the WLCSP is considered significant. Although a raptor foraging study was not conducted within the WLCSP area, information regarding wildlife usage of the WLCSP area was gathered over an 8 years period.

The WLCSP provides low-quality raptor foraging habit for a variety of raptors such as burrowing owl, barn owl, red-tailed hawk, white-tailed kite, and American kestrel (see Response to Comment F-7A-25). The prey base is rather limited due to on-going agricultural practices that eliminate burrows for small rodents. Based on the most current burrowing owl survey (FCS-MBA 2013 - FEIR Volume 2, Appendix E-5), 270 suitable burrows were documented within the WLCSP. The burrows are generally located along the margins of the roads and drainage features, which usually contains the least amount of disturbance. No more than 20 burrows were observed in the middle of the disked agricultural fields. That amounts to 1 burrow for every 10 acres of habitat, which is sufficient to

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

support a few raptors, but does not provide a sufficient amount of prey to be used as wintering foraging habitat by large numbers of raptor species.

The portion of the WLCSP that contains the least amount of burrows is the area east of Theodore Street and south of Alessandro Boulevard, which is the area immediately adjacent to the SJWA. With the exception of the burrows located within Drainage 9, approximately 20 burrows were observed within an area of approximately 740 acres. That amounts to 1 burrow for every 36 acres of habitat.

Another limited factor in determining the amount of available prey, is the availability of moisture. The extensive agricultural areas are dry-land farmed and do not receive any supplemental watering. This lack of irrigation water greatly reduces the amount of vegetation and the diversity of vegetation required to support a large population of prey for local raptors. The WLCSP also contains a population of feral dogs, which would reduce the population of available prey. These animals have been abandoned by their owners and forage on prey items within the undisturbed portions of the WLCSP, which is generally limited to the drainage features. All of these factors combined indicate that the prey-base is limited compared to the amount of habitat that is available for foraging.

The CDFW Conservation Buffer Area, similarly also has on going agricultural. The loss of low-quality foraging habitat associated with the development of the WLCSP would be gradual due to phased construction. The abundance of surrounding open lands associated with Core Area H and Proposed Core 3 provides ample foraging lands for the existing raptor population that over-winter around Mystic Lake. The loss of foraging habitat within the WLCSP consists of low-quality habitat with a limited prey base (2,610 acres).

When compared to the remaining higher quality open-space areas still available for foraging, such as the adjacent badlands area (16,000 acres) and the SJWA (20,000 acres), the loss of the WLCSP as a foraging area is less than 10 percent of the available foraging habitat in the surrounding area. However, with the development of the WLCSP, much of the existing foraging habitat within the eastern portion of the City of Moreno Valley will be removed. The WLCSP is not located within a Core Conservation Area or a Proposed Core area. The majority of the WLCSP is outside of any Criteria Cells and therefore is not required for long-term conservation of raptor foraging habitat. This would cause a potentially significant affect with regard to impacts to locally sensitive raptor species such as white-tailed kite (a CDFW fully protected species) and mitigation is required.

The loss of raptor foraging habitat associated with potentially significant impacts to white-tailed kite will be mitigated in a number of ways including payment of the MSHCP Development Fee and the creation of a buffer area along the southern boundary of the WLCSP. The MSHCP Development Fee will be used to purchase off-site lands that will be used to conserve high-quality foraging habitat within the Core Conservation Land or proposed conservation lands. Second, a 250-foot setback as described in MM 4.4.6.1A of the DEIR will be established between the WLCSP and the CDFW Conservation Buffer Area. This area will reduce impacts to raptor species foraging in the adjacent open space areas. These measures will reduce raptor foraging impacts to a less than significant level.

Response to Comment F-7A-53. Based on the revised MSHCP Consistency Analysis (FCS-MBA 2013 - FEIR Volume 2, Appendix E-1) and the most current protocol survey results, no LAPM occur within the WLCSP and therefore relocation of this species will not be required. Based on the 2010 focused plant survey, no sensitive plant species occur within the WLCSP and therefore relocation of sensitive plants will not be required.

A single breeding pair of burrowing owl is known to occur within a non-criteria cell area of the MSHCP. Conservation of a single pair of burrowing owl outside of a criteria cell or proposed conservation area will not provide long-term conservation of this species and is not required under MSHCP guidelines. Conservation measures are only required outside of criteria cells if more than

three pairs of burrowing owl are observed. If more than three pairs of burrowing owl are identified within the WLCSP, conservation of 90% of the suitable habitat will be conserved until the conservation goal for conserving occupied burrowing owls habitat has been met.

In an attempt to minimize impacts to a single breeding pair of this species, passive relocation, as described in MM 4.4.6.4B, may be required if burrowing owls are observed on-site during a 30-day preconstruction survey. Passive relocation is an acceptable means of minimizing project related impacts to burrowing owl.

Passive relocation will be consistent with the CDFW guidelines. One-way trap doors will be installed at the burrow entrance and left in place for several days. Once the burrows are unoccupied, they can be collapsed to reduce the number of available burrows owls may use for relocation. Since no evidence of burrowing owl was observed within the northern portion of the SJWA, relocation of owls to the area immediately south of the WLCSP will not cause an overcrowding of this species. Artificial burrows will be created in the 250-foot buffer area to provide suitable nesting burrows within an area that is being set aside as a buffer between the proposed development and the adjacent open space.

There is more than enough area to relocate a single pair of burrowing owl within the 250-foot buffer area. Threats to burrowing owl will include large raptors from the SJWA, feral dogs, coyote, and active disking for the agricultural fields. Many of these threats such as feral dogs, and active disking will be eliminated following project build-out, which will improve overall habitat suitability for burrowing owls.

Response to Comment F-7A-54. See Response to Comment F-11-25.

Response to Comment F-7A-55. 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 is 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 playans, 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*), slender-horned spineflower (*Dodecahema leptoceras*), and Robinson's peppergrass (*Lepidium virginicum* var.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

robinsonii). The WLCSP contains marginal quality habitat for these four species and/or there is a close-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 those 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 of the CEQA document is submitted 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 MM 4.4.6.1B.

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-leaved 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, then 90% of the occupied habitat must be avoided until the conservation goal is met. If the 90% cannot be avoided, then a DBESP for impacts to Plummer's mariposa lily and Parry's spineflower will be required.

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. If these species are identified within a project site during project-specific focused plant surveys, then an assessment must be conducted to determine the significance of the population that is found as described in MM 4.4.6.1B. 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 redesign the proposed project and 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 RCA or other appropriate conservation organizations to offset for the loss of these species on the WLC project site. A third option is to relocate these plants to the proposed buffer area and placed into conservation. A plant relocation plan will be required prior to relocation. The CDFW does not recommend this option, since it is extremely hard to relocate

sensitive plant species and maintain a viable population, but it is included as an option as a worst case scenario. MM 4.4.6.1B will reduce impacts to a less than significant level.

Response to Comment F-7A-56. The WLCSP is within a required survey area for burrowing owl, since the required conservation goals established for burrowing owl under the MSHCP have not been met. Under MSHCP guidelines, the conservation of 90 percent of suitable habitat that provides for long-term conservation value for burrowing owl is only required if the project site contains more than one pair of burrowing owl within project sites that are within Criteria Cells and more than three pairs for projects that are outside of Criteria Cells. Only a single pair of burrowing owls has been recorded to occur within the WLCSP. However, if more than one pair of burrowing owl is observed within the portion of the WLCSP that contains Criteria Cells or more than three pairs for those areas outside of Criteria Cells, conservation of 90% of suitable habitat that provides for long-term conservation value for burrowing owl will be required until the conservation goal is met.

Based on the DEIR MM 4.4.6.4D, a pre-construction clearance survey for burrowing owl shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities within the WLCSP to identify if any burrowing owl occur within the WLCSP. The CDFW's 2012 Staff Report, recommends pre-construction clearance surveys occur 14 days prior to ground disturbance, followed by a subsequent survey within 24 hours of any ground disturbance. However, the MSHCP guidelines have incorporated the following protocol with regard to burrowing owl surveys, which must be followed to be consistent with the MSHCP. Based on the number of owls that have been identified within the WLCSP over the last 8 years, it can be assumed that the WLCSP is considered occupied and additional focused surveys for burrowing owl may be required on a project-by-project basis at the discretion of the City of Moreno Valley planning staff.

Based on the "Burrowing Owl Survey Instructions" for the Western Riverside Multiple Species Habitat Conservation Plan Area, all project sites containing burrows or suitable habitat (based on Step I/Habitat Assessment) whether owls were found or not, require pre-construction surveys that shall be conducted within 30 days prior to ground disturbance to avoid direct take of burrowing owls (MSHCP Species-Specific Objective 6).

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the proposed ground-disturbing activity during the 30-day pre-construction survey, construction activity shall maintain a 500-foot buffer area around any active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. If this avoidance buffer cannot be maintained, consultation with the CDFW shall take place and an appropriate avoidance distance established at a minimum of 250-feet. No disturbance to active burrows shall occur without appropriate permitting through the Migratory Bird Treaty Act and/or CDFW.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFW. A relocation plan may be required by CDFW if passive relocation is necessary. Artificial burrows should be constructed within the 250-foot buffer area along the southern boundary of the WLCSP. Construction activity may occur within 500 feet of the burrows at the discretion of the biological monitor. This will satisfy mitigation as described under MM 4.4.6.4D of the DEIR and will reduce impacts to burrowing owl to a less than significant level.

Response to Comment F-7A-57. The commenter claims that GHG emissions are under-estimated because the analysis used an average distance of 50 miles for trucks while the distance to the Los Angeles ports is 80 miles.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The 50 mile figure for average truck distance is a default value suggested by the SCAQMD for use when modeling data is not available. An additional section (Chapter 12, Section F) has been included in the Traffic Impact Analysis (TIA) (FEIR Volume 2, Appendix L-1) that describes in detail how trips to the ports were estimated. The analysis found that only a small percentage of WLC truck traffic would be to and from the ports. Tests with the Riverside County Traffic Analysis Model (RivTAM) model suggest the actual average truck trip length for the WLC would be 30 to 40 miles, so the 50-mile figure, which was used in the DEIR, is a conservative estimate since it over-states rather than under-states project impacts. The air quality analysis has been updated in the FEIR (refer to FEIR Volume 2, Appendix D-1) to use the trip distribution pattern from the RivTAM model since it more realistic and better reflects the anticipated change in travel patterns over time.

The commenter claims that the DEIR underestimates the project's operational greenhouse gas emissions and fails to mitigate. The greenhouse gas emissions as estimated in the DEIR have been revised to account for more detailed construction and operational assumption information as discussed in Master Response-1.

The commenter indicates that the long haul truck trip distance was underestimated. The commenter claims that no basis for making the estimate of 50 miles per truck trip was provided in the DEIR. However, this is incorrect, as Appendix D of the DEIR (pages 119-120) described the reasoning for the 50 miles per truck trip. Nevertheless, the revised TIA provides substantial evidence for the use of roadway and freeway specific traffic volumes, which are used in the revised analysis and result in decreased emissions estimates.

The commenter indicates that the project's greenhouse gas emissions constitute a majority of the City of Moreno Valley's greenhouse gas emissions. Please refer to Response to Comment F-1-45.

The commenter indicates that greenhouse gas offsets should be applied to reduce emissions. However, offsets are not feasible as discussed in Response to Comment F-1-66.

The commenter indicates that all of the greenhouse gas measures as set forth by the California Attorney General should be applied. Refer to Response to Comment F-1-66, which assesses the feasibility of the Attorney General measures individually.

Response to Comment F-7A-58. The commenter indicates that construction greenhouse gas emissions should be mitigated. The commenter then references a comment letter prepared by the SCAQMD. Review of that comment letter reveals that there are no construction mitigation measures to reduce greenhouse gas emissions that the project is not already implementing.

The commenter indicates that carbon offsets should be purchased to reduce construction emissions to below the threshold. The SCAQMD threshold of 10,000 metric tons carbon dioxide equivalent per year (MTCO₂e/year) is for a combination of the construction emissions (averaged over 30 years) and operational emissions. Refer to Response to Comment F-1-66 for a discussion of why carbon offsets are not feasible or required.

Response to Comment F-7A-59. Sediment toxicity was added to the 2010 303(d) list of impaired water bodies for Lake Elsinore and Table 4.9.A in the DEIR is updated (FEIR Volume 2 Section 4.9 Table 4.9D). As required by MM 4.9.6.2B, a project-specific Storm Water Pollution Prevention Plan (SWPPP) will be prepared during the final design phase of the project. "The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural best management practices (BMPs) to control sediment and nonvisible discharges from the site." (page 4.9-31). The SWPPP will be prepared meeting all requirements of the Construction General Permit. Table 4.9.H lists possible construction site BMPs for runoff control, sediment control, erosion control, and housekeeping that may be used during the

construction phases of the proposed WLC project. The implementation of an approved SWPPP with appropriate construction site BMPs will control erosion and sediment transport such that contaminated sediment and runoff will not significantly affect the water quality at all downstream water bodies, including Mystic Lake, Lake Elsinore, and San Jacinto River.

Response to Comment F-7A-60. There are no anticipated legacy pollutants as a result of past uses. A Phase I Environmental Site Assessment for the WLCSP (FEIR Volume 2, Appendix I-22) revealed no evidence of recognized environmental conditions (RECs) indicative of releases or threatened releases of hazardous substances on, at, in, or to the subject site. However, construction-related impacts from any pollutants that may be present based on current and historical uses of the project site, including organo-chloro-phosphate (OCPs) and other pesticides, or trace metals, will be mitigated by implementing appropriate construction BMPs to control erosion and sediment transport. Controlling erosion and sediment transport will also eliminate the transport of pollutants that attach to the sediments.

The SWPPP will identify specific construction site BMPs that will be required for the project. During construction, a registered Qualified SWPPP Practitioner (QSP) will be required to verify that a SWPPP is on site and check that construction BMPs are being implemented properly. Preparation of a SWPPP at the Specific Plan phase is not appropriate because no specific details of construction or grading are available at the specific plan level. The SWPPP will be prepared prior to issuance of any grading permit for development in the WLCSP area.

Response to Comment F-7A-61. Most of the comment are excerpts from the CEQA Statute and Guidelines, and court cases that relate to cumulative impacts. The DEIR did contain an analysis of cumulative impacts for each environmental topic (DEIR Sections 4.1-4.16). DEIR Section 2.10, *Cumulative Impacts*, explains that CEQA (Guidelines Section 15130) allows two different types of cumulative analyses to be conducted, and the lead agency is responsible to choose the most appropriate method based on the project and other local conditions. In this case, the City chose to use the “summary of projections” method (CEQA Guidelines Section 15130b.1.B) rather than the “list” method due to the size, location, and development phasing or horizon of the project. For the WLC project, the DEIR used the City’s General Plan buildout projections as a basis to characterize cumulative impacts. The programmatic EIR for this project examined general project-type impacts of the WLC project as an incremental part of regional impacts that will eventually occur as the general area develops with more suburban-level development.

Response to Comment F-7A-62. The commenter must remember the WLCSP EIR is a programmatic document that outlines general development on the WLC site for a period of at least 15 years. The cumulative analysis in the TIA (FEIR Volume 2 Appendix L-1) does include appropriate projects from the commenters list except for the “recently approved projects” (1-3) which have already been constructed and are part of the environmental baseline. The traffic study used a specific set of cumulative projects to estimate traffic levels on area streets at interim years, the cumulative analysis for other environmental issues used the growth projections of the City, Western Riverside Council of Governments (WRCOG), and Southern California Association of Governments (SCAG) to estimate future conditions under which WLC project impacts should be characterized. Given the type and size of this project, the summary of projections method is the most appropriate way to estimate cumulative impacts.

The TIA for the WLC project developed its own list of projects that would contribute traffic on the short- and long-term to the City and surrounding areas, which was necessary to anticipate traffic at the 136 intersections that the TIA examined. However, the other impacts of the WLC project were more regional in nature, and it was determined their characterization did not depend on the timing of specific development projects but rather on overall growth in the region consistent with that identified in the City’s General Plan buildout and SCAG’s Regional Comprehensive Plan (RCP), and SCAG’s

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Regional Transportation Plan (RTP). None of information presented on cumulative impacts have indicated why the list method would be more accurate or appropriate for estimating cumulative impacts of the WLCSP, they merely make the claim. The City continues to believe the growth projections method is the most appropriate method of estimating cumulative impacts of the WLCSP given its size, location, timing, and uses proposed.

Response to Comment F-7A-63. The commenter states the assessment of cumulative agricultural impacts is inadequate and recommends no mitigation. The Response to Comment F-7A-39 outlines the changes made to the agricultural resources assessment for the project (FEIR Volume 2 Appendix C-2). In addition, a new MM 4.2.6.1A has been added to the FEIR Volume 2 requiring the acquisition of a conservation easement be recorded over land of comparable productive value to preserve offsite farmland or equal or more agricultural productivity compared to the unique farmland (refer to Response to Comment F-7A-39). It should be noted that the revised agricultural assessments determined the loss of farmland of local importance was in fact not significant under CEQA based on the results of the revised LESA model (see FEIR Volume 2 Appendix C-4 for more information).

Response to Comment F-7A-64. Section 4.4.7 of the DEIR discusses cumulative impacts with regard to the MSHCP, which is a regional planning document that provides for long-term conservation goals for the western Riverside County area. The DEIR does not discuss cumulative impacts with regard to sensitive habitats or species that are not covered under the MSHCP. The CEQA requires the discussion of the cumulative impacts of proposed projects. The WLCSP was assessed based on closely related past, present and future projects that may be developed in the foreseeable future. Cumulative impacts are typically analyzed using either a List Method or a Regional Growth Projection Method. Since the WLCSP is a program-level document, the Regional Growth Project Method is an appropriate methodology to re-evaluate cumulative impacts. The project related impacts associated with the WLCSP were assessed based on the contribution to cumulative impacts on a regional basis.

Adoption of the City of Moreno Valley General Plan EIR did not result in significant direct impacts to existing biological resources. All future development projects anticipated in the General Plan can feasibly be mitigated to less than significant levels and therefore, would not contribute to a cumulative impact on a regional basis. However, adoption of the General Plan would lead to future indirect impacts through approval of development projects within the City of Moreno Valley.

Project-related impacts resulting in quantifiable direct impacts to biological resources not currently covered under the MSHCP would be addressed subsequently through analysis at a lower tier, project-specific level of environmental review. However, conservation of lands purchased with MSHCP Development Fees for the long-term conservation of sensitive species covered under the MSHCP, will also provide similar conservation for plant and wildlife species not covered under the MSHCP. For instance, lands purchased in a Core Conservation Area that contains coastal sage scrub and/or chaparral will provide suitable habitat for Parry's spineflower, which is a covered species under the MSHCP. It will also provide habitat for Robinson's pepper grass, which is not covered under the MSHCP. MM 4.4.6.1B, as listed in the DEIR, will reduce the project related impacts to a level less than significant. As a result, the contribution of impacts associated with project within the WLCSP, are fully mitigated and will not contribute to cumulative impacts within the region.

The following mitigation measures were developed to provide assurances that potential significant biological impacts associated with the implementation of the General Plan will be mitigated. The General Plan is a regional development plan and has included the WLCSP as a part of the development plan for the City of Moreno Valley. Subsequent project-level environmental review could identify more detailed site-specific mitigation measures. Impacts to Stephens' kangaroo rat, sensitive plant and wildlife species, and Riverine/Riparian Habitat associated with drainage features, could be considered a cumulative impact without mitigation. The following mitigation measures are required under the General Plan to reduce project-related impacts to a level less than significant:

1. Private development projects within the City shall comply with the Long-term Habitat Conservation Plan (HCP) for the Stephens' Kangaroo Rat (SKR).
2. Private development projects shall comply with the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) and the associated state and federal permits.
3. Where feasible, projects shall be designed to minimize impacts on sensitive habitat.
4. Prior to physical disturbance of any natural drainage course or wetland determined to contain riparian vegetation or otherwise qualify as a "jurisdictional" wetland or Non-wetland Water of the U.S., the applicant shall obtain a Streambed Alteration Agreement and/or permit, or written waiver of the requirement for such an agreement or permit, from all resource agencies with jurisdiction over such areas (CDFW and USACE).

The long-term HCP for the Stephens' Kangaroo Rat was designed to compensate for the loss of SKR individuals and SKR habitat on a regional basis. A total of 48 acres of suitable habitat for SKR occurs within the WLCSP area. Future projects that impact suitable habitat would significantly impact SKR. Projects that are consistent with the requirement of the long-term HCP for SKR would not result in significant project-level impacts, and therefore would not result in cumulative impacts to SKR on a regional basis. A mitigation fee is required on a project-level basis and is based on the overall size of the project site. Payment of the mitigation fee will reduce the level of impacts to a less than significant impact. The mitigation fees are used to purchase land within the core conservation areas for SKR.

Portions of the WLCSP contains non-native grasslands and Riversidean sage scrub. The past habitat loss along with potent future development is a potentially significant impact with regard to Raptor foraging habitat, especially for those raptor species that are over-wintering in the Moreno Valley area. The MSHCP has been designed to compensate for the loss of biological resources throughout western Riverside County, and cumulative impacts to existing biological resources resulting through increased future development have been addressed in the MSHCP FEIR/EIS dated June 17, 2003. The MSHCP was designed to set aside large areas of native habitat necessary for the long-term conservation of sensitive plant and wildlife species, while at the same time providing a streamlined process for future development.

Therefore, future development projects within the planning area that conform to the MSHCP would not result in cumulatively considerable impacts for those biological resources adequately covered by the MSHCP. The MSHCP project fee will be used to purchase off-site mitigation lands that will fully compensate for significant impacts associated with raptor foraging habitat. Implementation of 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. Subsequent CEQA review will be required on a project-by-project basis to ensure conformance with the MSHCP and future implementing plans/ordinances at the project-specific level.

For resources not currently covered by the MSHCP, additional mitigation may be necessary. Any impacts to wetlands or non-wetland waters of the United States or waters of the state are cumulatively considerable. Compliance with federal and state regulations (implementation of mitigation measures identified in the Biological Resources Section 4.4 of the DEIR) is expected to reduce these impacts to a level below significance or less than cumulatively considerable. Impacts to non-covered sensitive species or resources resulting from the Land Use Alternatives are not expected to be cumulatively considerable. If proposed development within the regional would cause a sensitive species population to reduce to a less than self-sustaining level, it would have been included in the MSHCP as a covered species.

Response to Comment F-7A-65. The commenter indicates that the mitigation of cumulative project impacts is inadequate and that the DEIR offers no mitigation for diesel particulate matter (PM) emissions. This is incorrect. The project has adopted all feasible mitigation measures as summarized

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

in Response to Comment E-3-8. The commenter suggested mitigation measures, as discussed below.

Suggested Mitigation Measure	Response
1. 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	Not Incorporated. Refer to Master Response-5.
2. Plant tiered vegetation along the project site boundaries	Partially Included. The project would include extensive landscape treatments consistent with the Municipal Code including trees and berms. The effectiveness of vegetative barrier in reducing pollutant levels is dependent on a number of factors including vegetative variety, maturity, height, spacing, leaf density, and wind speed. Vegetative barriers may have some benefit; however, at present there are no established methodologies to quantify their effectiveness in reducing pollutant levels.
3. Notification to nearby residents	Not Incorporated. Notifications of substantial local impacts are required under SCAQMD Rule 1401 and the Air Resources Board (ARB) AB 2588 Air Toxics Hot Spots Act. However, neither of these regulatory programs applies to the project (with the exception of the emergency standby generators) since the vast majority of project impacts are derived from mobile sources and the Rule 1401 and AB 2588 programs are directed to permitted stationary sources. In addition, the CEQA and permitting process serves as notice of the environmental impacts to all residents throughout the City and beyond.

Response to Comment F-7A-66. This comment is mainly excerpts from CEQA and the CEQA Guidelines, as well as several court cases related to alternatives. The commenter explains the process of selecting a feasible alternative, however, the commenter fails to mention an additional part of the analysis of alternatives, that being the determination as to what degree a particular alternative meets the project objectives (refer to Response to Comment F-7A-67 for more information on Alternative 1).

Response to Comment F-7A-67. The commenter claims the DEIR improperly dismisses Alternative 1 which would develop approximately 29 million square feet of logistics warehousing or approximately 30% less than under the proposed project. First, it should be noted that the proposed project has been slightly modified and has 100 fewer acres and 1 million fewer square feet of logistics warehousing than under the project evaluated in the DEIR (see Section 6.3.6 of the DEIR for details). The commenter says this alternative is superior to the proposed project but is dismissed for inappropriate reasons. However, the City maintains this alternative was rejected because it did not reduce one or more of the significant impacts of the project to less than significant levels, and it did not achieve the project objectives to nearly the same degree as the proposed project. The reduced density alternative does reduce the impacts which can be expected from the construction and operation of the project but does not reduce them to insignificance, as shown in Table 6.L and the discussion beginning on DEIR page 6-27. However, as set forth in Table 6.M, the reduced density alternative would not attain the project objectives to as great a degree as the project and, in particular, would not provide the same number of jobs nor improve the City's job/housing ratio to the same extent. See the discussion in DEIR Section 4.13.1. The City Council will weigh the environmental benefits of the reduced density alternative against the economic benefits which the project will provide and decide which best serves the public welfare.

Response to Comment F-7A-68. The commenter is concerned that the DEIR dismisses all of the potential alternative sites for the proposed project. The purpose of the alternative sites analysis is to see if there is an appropriate site elsewhere within the lead agency's jurisdiction, or in another jurisdiction, upon which the proposed project could be located, and generate fewer environmental impacts just by placing it on a different site. The commenter suggests finding a smaller site, or several disconnected smaller sites, that could support a reduced version of the project. However, the proposed project (as revised) encompasses 2,610 acres with 40.6 million square feet of warehousing. Table 6.R in Section 6 of the DEIR demonstrates that there are no sites, either in Moreno Valley, or in any of the nearby cities, which are anywhere close to being large enough to support a 40,600,000 sq. ft. logistics project. The proposed project is a regional logistics warehousing center, and that primary project objective would not be achieved by breaking the project up into several smaller non-contiguous properties. There is no requirement under CEQA to substantially change or reduce the scope of the proposed project so it will "fit" onto one or more alternative sites. Due to its size and type of uses, most of the significant impacts of the proposed project would occur regardless of where the site was located. The only potential for a measureable reduction in project impacts would be if the site were adjacent to freeways that were less congested, or possibly if the project could be served by existing rail lines on some other site. However, the alternative sites analysis indicates there are no sites of suitable size and that have rail service already available to them. Further, even if a suitable alternative site could be located, the project applicant would not own the site and there is no way of knowing whether the applicant could acquire it. Accordingly, the DEIR properly concluded that there were no feasible alternative sites. Therefore, alternative sites were correctly rejected.

Please see the response to Comment F-7A-67 with respect to the assertion that the DEIR should have selected the reduced alternative density.

Response to Comment F-7A-69. Although the commenter is not a public agency, the City will send all commenters the Responses to Comments at least 10 days before action on the project to allow time to review the responses. The City Council will consider all comments on the WLC project before taking any action on the proposed project.

Letter F-7B: Lozeau Drury LLP (April 5, 2013) and Appendices 1-3 (on Flash Drive)



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March 25, 2013

Richard Drury
Lozeau | Drury LLP
410 12th Street, Suite 250
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**Subject: Comments on the Draft Environmental Impact Report for the World Logistics Center,
Riverside County, California**

Dear Mr. Drury:

We have reviewed the February 2013 Draft Environmental Impact Report (DEIR) and associated documents for the World Logistics Center Project (Project). The Project proposes to build a 41.6 million square foot warehouse on 2,710 acres of a 3,198 acre parcel in the City of Moreno Valley in Riverside County. The site is currently used for wheat farming. Seven residences currently exist on Project site. San Diego Gas & Electric operates a natural gas compressor plant on 19 acres of the Project site and Southern California Gas Company operates a metering and pipe cleaning facility on 1.5 acres on the south central portion of the site.

We reviewed the DEIR for issues associated with hazards and hazardous materials, hydrology and water quality, and air quality. Project construction and operation may result in potentially significant impacts to workers, nearby residents, and surrounding hydrological features that are not adequately evaluated by the DEIR. A revised DEIR should be prepared to fully analyze and disclose impacts and provide appropriate mitigation to ensure that the Project will not result in significant impacts.

HAZARDS AND HAZARDOUS MATERIALS

Eighteen Phase I Environmental Site Assessments ("Phase I ESAs") were completed for the site from May 2003 to January 2013 and are included as Appendix I to the DEIR. The January 2013 Phase I ESA, which includes a summary of the findings of the previous Phase I ESAs, states that past uses of the site included a chicken ranch, three dairies, and agriculture (2013 Phase I ESA, p. 1).

The 2013 Phase I ESA states that there are no recognized environmental conditions (RECs)¹ associated with the Project site (2013 Phase I ESA, p. 35). Our review shows that the Phase I ESA and the DEIR do not thoroughly evaluate current soil conditions at the site. Failure to adequately disclose baseline conditions at the Project site that may result in significant impacts to construction workers and nearby residents.

2

Inadequate sampling of pesticides in Project site soils from past uses

Currently, the Project site is used for dry farming and wheat is typically grown on the Project site (DEIR, p. 4.2-2). The DEIR states that dry farming does not typically use pesticides (DEIR, p. 4.8-4) but our review of data for the Project site from the California Department of Pesticide Regulation (CDPR) shows that pesticides such as 2,4-D, 2-ethylhexyl ester were used on the site for wheat cultivation (see Attachment A).

The 2013 Phase I ESA, however, does not mention recent pesticide usage. The 2013 Phase I does include sampling results for organochlorine pesticides (OCPs). The ESA notes that OCP sampling results were below regulatory levels (2013 Phase I ESA, p. 2). However, only 52 samples were collected from the Project site in previous investigations.

The "Interim Guidance for Sampling Agricultural Properties" prepared by the Department of Toxic Substances Control (DTSC) recommends that, when testing for OCPs, samples for sites over 50 acres should be collected at over 60 locations.² The Project site, at 2,710 acres, is well over 50 acres. Therefore, the 52 samples collected over the last ten years³ are likely insufficient to provide an accurate assessment of the Project site's soil conditions and collecting such a limited number of samples may not reliably disclose current environmental concerns associated with Project site soils. In addition, because these samples were collected a minimum of eight years ago, sampling results are outdated and cannot be used to baseline conditions.

3

The Project site has been used for agricultural purposes since at least 1948 (2013 Phase I ESA, p. 15). OCPs such as DDT and DDE were used starting in 1940s.⁴ Although their use was banned in the 1970s, these compounds can persist in soil for hundreds of years.⁵

The limited number of samples collected on the Project site may not fully show the total extent of OCP concentrations throughout the Project site. The Applicant should disclose how many acres of the 2,710-acre site were historically and currently used for agricultural activities and

¹ A REC is defined as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. See <http://www.astm.org/Standards/E1527.htm>

² Department of Toxic Substances Control, Interim Guidance for Sampling Agricultural Properties (Third Revision). <http://www.dtsc.ca.gov/Schools/upload/Ag-Guidance-Rev-3-August-7-2008-2.pdf>, p. 8

³ 42 samples were collected in 2003, 9 samples were collected in 2004, and one sample was collected in 2005.

⁴ U.S. EPA, DDT – A Brief History and Status. <http://www.epa.gov/pesticides/factsheets/chemicals/ddt-brief-history-status.htm>

⁵ *Ibid.*, p. 3

should collect 60 soil samples per 50-acre portion. For example, if 100 acres of the Project site was used for agriculture, 60 samples on each 50-acre portion should be collected for a total of 120 samples.

The Project site is currently used for wheat cultivation but no samples were collected in association with the 2013 Phase I ESA. Because the Project site is still used for agricultural purposes, relying on sampling results from eight years ago will not reflect pesticide residuals that may exist in site soils from agricultural use of the site from 2005 to present-day. Additional pesticide sampling, to include 2, 4-D, 2-ethylhexyl ester and any other pesticides that may have been used for wheat farming, should be conducted.

Project construction will require grading, excavation, vegetation removal, and trenching. Construction workers can be exposed, via inhalation and dermal contact, to pesticides in soil that can become airborne during these ground-disturbing activities. Exposure to these pesticides can pose significant health risks. Oral exposure to 2, 4-D, 2-ethylhexyl ester can result in vomiting, diarrhea, headache, confusion, and bizarre behavior. Dermal exposure can result in irritation and inhalation exposure can lead to coughing and burning sensations in the upper respiratory tract and chest.⁶ Exposure to DDT can result in headaches, nausea, and convulsions⁷ as well as damage the liver, nervous, and reproductive system.⁸

There are seven residences located onsite (DEIR, p. 4.5-12) and residences are also located directly adjacent to the Project site along the western boundary of the Project site (DEIR, Figure 3.8). These residents may also be adversely affected from exposure to pesticide-containing soil during Project construction. Inhalation of pesticide-contaminated soil has been linked to asthma in recent research.⁹ A report prepared by the California Department of Health identifies pesticides as an asthma trigger.¹⁰

Limited soil sampling was conducted on the Project site eight years ago. Sampling did not target pesticides used for wheat cultivation, such as 2, 4-D, 2-ethylhexyl ester. Project soils should be tested for all pesticides that may have been used on the site. All sampling results should be compared to appropriate human health regulatory levels¹¹ as well as construction worker thresholds¹² to determine if the Project may pose significant health risks. A revised DEIR should

⁶ National Pesticide Information Center. 2, 4-D Technical Fact Sheet. <http://npic.orst.edu/factsheets/2,4-DTech.pdf>, p. 2.

⁷ U.S. EPA, DDE. <http://www.epa.gov/ttnatw01/hlthef/dde.html>

⁸ U.S. EPA, DDT. <http://www.epa.gov/pbt/pubs/ddt.htm>

⁹ U.S. National Library of Medicine, Pesticides and Asthma. <http://www.ncbi.nlm.nih.gov/pubmed/21368619>

¹⁰ California Department of Public Health, Strategic Plan for Asthma in California, 2008-2012. <http://www.cdph.ca.gov/programs/caphi/Documents/AsthmaStrategicPlan.5-5-08.pdf>, p. 22.

¹¹ See California Human Health Screening Levels:

<http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf>

¹² See Table K-2 of the February 2013 San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels:

http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/ESL/Lookup_Tables_Feb_2013.pdf

be prepared to disclose sampling results and any mitigation, if necessary, to ensure that the Project will not result in significant public health impacts.

Entire Project site has not been evaluated

Our review of the areas evaluated in the 18 Phase I ESAs shows that an approximately 50-acre portion of the Project site located south of Alessandro Blvd., east of Merwin St., and north of Brodiaea Ave has not been surveyed (see Attachment B). The land use map in the DEIR shows that this area will be used for logistics development (DEIR, Figure 3.8).

Project construction will occur in areas that have not been surveyed by the Phase I ESA. Therefore, conclusions in the DEIR about the absence of environmental concerns on the Project site are not completely substantiated. If environmental hazards exist on this portion of the site, Project construction may pose significant risks to workers and other site personnel.

A new Phase I ESA should be prepared to survey, identify and disclose baseline conditions of the entire Project site, to be included with a revised DEIR. If hazardous conditions are found, all appropriate mitigation measures should be identified to prevent the exposure of workers to conditions that would present health risks during construction and operation of the Project.

HYDROLOGY AND WATER QUALITY

Project construction will require extensive grading, vegetation removal, and excavation. Approximately 42 million cubic yards of cut-and-fill will be required to grade the entire site (DEIR, p. 3-61). Project construction may lead to erosion of site soils. The DEIR states that pollutants associated with the Project include sediments, nutrients, bacteria, toxic organic compounds, and pesticides (DEIR, p. 4.9-34). During periods of rainfall, water that washes over eroded soil can entrain these contaminants and discharge into adjacent waterways.

The DEIR states that Project runoff from the western portion flows into the Perris Valley storm drain while runoff from the eastern portion flows into Mystic Lake and the San Jacinto River (DEIR, p. 4.9-22) which is located ten miles south of the Project site. From the San Jacinto River, flow ultimately reaches Lake Elsinore (DEIR, p. 4.9-2). The DEIR identifies that Lake Elsinore is listed under the California Regional Water Quality Control Board's 303(d) List of Impaired Water Bodies for nutrients, low dissolved oxygen, and PCBs (DEIR, p. 4.9-5). The DEIR, however, does not disclose that Lake Elsinore is also impaired for sedimentation and sediment toxicity.¹³ If rainfall washes over disturbed soil stockpiled on site during Project construction, contaminated sediment and runoff can eventually drain to Lake Elsinore, further degrading water quality.

The DEIR states that during operational activities, stormwater runoff can carry trace metals such as zinc, copper, lead, cadmium, and iron and that treatment controls will be based on these pollutants (DEIR, pp. 4.9-33-4.9-34). However, the DEIR does not consider the possibility that ground-disturbing activities

¹³ Search for Elsinore, Lake at http://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/category5_report.shtml

during Project construction can also lead to erosion and transport of these contaminants deposition to adjacent waterways.

The DEIR states that a SWPPP will be prepared and identifies measures that will be implemented to reduce impacts from soil erosion (DEIR, p. 4.6-13). Mitigation measure 4.9.6.3A lists best management practices (BMPs) that will be implemented to reduce water quality impacts (DEIR, p. 4.9-37). However, no measures or BMPs are provided that specifically identify that OCPs and other pesticides, which may exist from previous uses of the site, can flow into the adjacent waterways. To ensure that Project construction will not result in significant impacts to hydrological resources, the SWPPP should be prepared prior to Project construction to include BMPs such as erosion control and treatment measures specifically designed to address OCPs and other pesticides.

5

AIR QUALITY

Additional mitigation for particulate matter should be incorporated

Particulate matter (PM10) emissions from Project construction will exceed the South Coast Air Quality Management District (SCAQMD) thresholds throughout the construction period (DEIR, p. 4.3-55). The DEIR discusses SCAQMD Rule 403, established to reduce fugitive dust emissions, and provides the following four measures from Rule 403 as mitigation for the Project's significant emissions of PM10:

- all clearing, grading, earthmoving, or excavation activities shall cease when winds exceed 25 miles per hour per SCAQMD guidelines in order to limit fugitive dust emissions;
- the contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day;
- cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 0.6 meter (2 feet) of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicular Code Section 23114; and
- the contractor shall ensure that traffic speeds on unpaved roads and project site areas are 15 miles per hour or less to reduce fugitive dust haul road emissions (DEIR, p. 4.3-55).

6

Mitigation measures 4.3.6.2A through 4.3.6.2D also address PM10 emissions. However, the Project's PM10 emissions will be significant even after mitigation (DEIR, 4.3-57). Additional mitigation measures to reduce fugitive dust emissions are identified in Rule 403 but not in the DEIR. These measures should be identified in a revised DEIR to ensure that all applicable and feasible measures will be implemented to reduce Project emissions, to include:

- limiting fugitive dust emissions from any active operation, open storage pile, or disturbed surface area if the dust emission exceeds 20 percent opacity;

- prohibiting track-out to extend 25 feet or more in cumulative length from the point of origin from an active operation. Notwithstanding the preceding, all track-out from an active operation shall be removed at the conclusion of each workday or evening shift; and
- not disturbing an area of five or more acres, or with a daily import or export of 100 cubic yards or more of material, without utilizing at least one of the following measures at each vehicle driveway from the site to a paved public road:
 - installation of gravel pads;
 - pave any surface extending at least 100 feet and at least 20 feet wide;
 - utilize a wheel shaker and wheel washer to remove dirt and mud from tires and vehicles before they exit the site.¹⁴

Rule 403 also states that active operations cannot be conducted unless all applicable best available control measures included in Table 1 are included.¹⁵ Table 1 provides mitigation measures for trenching, cut-and-fill, truck loading, road maintenance, and earth-disturbing activities.¹⁶ Project construction will require these types of activities. Review of the DEIR shows that not all measures listed in Table 1 are included as mitigation. A revised DEIR should be prepared that includes all applicable measures in Table 1. The Project, defined as a large operation¹⁷ under Rule 403, should also follow all the applicable dust control measures listed in Table 2.¹⁸

Air dispersion modeling shows that localized concentrations of PM10 emissions also exceed SCAQMD thresholds (DEIR, p. 4.3-66). Significant localized PM10 emissions will pose adverse health risks to nearby residents and construction workers. The DEIR, however, only states that air quality impacts remain “significant and unavoidable” in the absence of feasible mitigation (DEIR, p. 4.3-66).

We have identified additional feasible mitigation measures that can further reduce PM10 emissions and mitigate these impacts to the extent feasible. For example, a recent ruling by the California Attorney General for construction of an industrial project in Jurupa Valley, a city located 17 miles west of the Project site, required the following measures:

- installation of air filtration systems in home of adjacent residents;
- air quality monitoring in surrounding area; and
- a “green” project site, including a 100kW capacity solar photovoltaic system, LEED Silver certified project buildings, and electric vehicle charging stations.¹⁹

¹⁴ South Coast Air Quality Management District, Rule 403. Fugitive Dust. <http://www.aqmd.gov/rules/reg/reg04/r403.pdf>, pp. 403-6 – 403-7.

¹⁵ *Ibid.*, p. 403-6.

¹⁶ *Ibid.*, p. 403-13.

¹⁷ *Ibid.*, p. 403-3.

¹⁸ *Ibid.*, p. 403-19.

¹⁹ State of California Department of Justice, Office of the Attorney General. Attorney General Kamala D. Harris Announces Settlement to Protect Public Health in Jurupa Valley. <http://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-announces-settlement-protect-public-health>

The press release accompanying the settlement²⁰ notes that Riverside County is home to numerous warehouse projects whose associated truck trips are negatively impacting resident health. Because the above-referenced mitigation measures were required for a similar project in a nearby city, it seems reasonable that these measures are feasible and should be implemented by the Applicant to protect resident health and local air quality.

Other mitigation, such as use of newer technology, should also be implemented to ensure that all feasible mitigation measures are being used to reduce emissions. Tier 4 technology, which applies to diesel engines used for off-road equipment,²¹ uses new higher pressure fuel injection systems and electronic engine controls²² and can reduce PM10 emissions by 90% as compared to older technology.²³ The DEIR discusses this technology but states that it will not be required until 2013 (DEIR, p. 4.3-57) and allow for the use of older Tier 3 technology in mitigation measure 4.3.6.2A (DEIR, p. 4.3-56). However, review of 40 CFR Part 1039, which establishes regulation about emissions standards, shows that Tier 4 technology will be phased in starting in 2011.²⁴ The U.S. EPA has recommended the use of Tier 4 technology on other projects under CEQA review.²⁵ Because Project emissions are still significant even after mitigation, equipment used for the Project should meet Tier 4 standards to achieve maximum reduction in emissions.

The Project is located in the South Coast Air Basin, which is designated non-attainment for PM10. Because the air basin suffers from poor air quality from PM10, significant emissions of PM10 can worsen regional air quality. Because the Project will result in significant PM10 emissions, all feasible mitigation measures should be implemented to reduce emissions to the maximum extent feasible to ensure that Project construction will not contribute to a degradation of air quality. A revised DEIR should be prepared to implement all recommended mitigation measures, to include air filtration systems in residents' homes, equipment with Tier 4 technology, and all applicable Rule 403 measures.

Cumulative air impacts are inadequately mitigated

The DEIR predicts cumulative impacts to human health from the Project and other nearby projects to exceed risk thresholds set by the SCAQMD. The DEIR (p. 4.3-88) includes modeling results that estimate health impacts as follow:

²⁰ *Ibid.*

²¹ Clean Diesel Technology for Off-Road Engines and Equipment: Tier 4 and More. http://www.aem.org/AllDocuments/AEM/SRT/SRTTopics/DTF_Tier4WP_FIN.pdf, p. 2.

²² *Ibid.*, p. 3.

²³ U.S. EPA, Nonroad Engines, Equipment, and Vehicles. Nonroad Diesel Engines. <http://www.epa.gov/otaq/nonroad-diesel.htm>

²⁴ See <http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm>; and <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=0a57ac29b59ade8455648e60e739a181&rgn=div5&view=text&node=40:34.0.1.1.5&idno=40#40:34.0.1.1.5.1.1.2>

²⁵ U.S. EPA Detailed Comments on the Draft Environmental Impact Statement for the Proposed Alta East Wind Project, Kern County, California, September 27, 2012. <http://www.epa.gov/region9/nepa/letters/blm/ca/alta-east-wind-project-kern-county-deis.pdf>, p. 2.

Table 4.3.AC: Comparison of Cancer Risk Values

Receptor Location	Cancer Risk (risk per million)		
	Project Increment	Cumulative	MATES-III
Maximum affected receptor located outside of the boundaries of the WLC Specific Plan	45 ¹	193 ¹	1,029 ²
Maximum affected sensitive receptor located within of the boundaries of the WLC Specific Plan	76.8	121.1	496
Existing residences located across Redlands Boulevard	20.9	45.9	496

The table shows that the incremental impacts from the Project range from 20.9 to 76.8 cancer risks which greatly exceed the SCAQMD threshold of 10 additional cancer risks in a population of one million.²⁶ The table also shows that a sensitive receptor who already faces a risk level well in excess of the SCAQMD threshold (496 in a million) will have that risk increased by an increment of 121 in a population of a million (or 12 in a population of 100,000), a 24% increase, from cumulative project construction. Existing residences across Redlands Blvd. will see cumulative risk levels increase 9% (existing cancer risk of 45.9/MATES III risk of 496 = 9.3%).

Cancer risks that residents currently face in the area of the Project are primarily driven by diesel particulate matter (DEIR, 4.3-87). The California Air Resources Board has classified diesel particulate matter as a toxic air contaminant for both its cancer and non-cancer health effects.²⁷ In addition the California Office of Environmental Health Hazard Assessment found that exposure to diesel particulate resulted in an increased risk of cancer and an increase in chronic non-cancer health effects including a greater incidence of cough, labored breathing, chest tightness, wheezing, bronchitis, and asthma.²⁸

Emissions of diesel particulate matter from cumulative project emissions will increase, driven by an increase in truck traffic from the Project and from other cumulative projects in the area. The DEIR offers no mitigation for diesel particulate matter emissions. Because current cancer risks greatly exceed thresholds, and will get significantly worse from cumulative impacts, all feasible mitigation should be considered for nearby residents, especially sensitive receptors. The mitigation should target reductions in diesel particulates, the most significant contributor to health risks.

Other projects, where risks from diesel particulates are as high as those estimated in the DEIR, have instituted mitigation that is considered to be Best Available Control Technologies for Toxics and which are capable of reducing potential cancer and non-cancer risks to an acceptable level. These Best Available Control Technologies and other mitigation measures include:

- Installation of Minimum Efficiency Reporting Value (MERV) filters rated at 13 or better at all residential units where incremental cancer risk exceeds one in one hundred thousand²⁹;

²⁶ <http://www.aqmd.gov/ceqa/handbook/signthres.pdf>

²⁷ http://www.oehha.ca.gov/public_info/facts/dieselfacts.html

²⁸ Ibid.

²⁹ http://cityplanning.lacity.org/EIR/CornfieldArroyo/RDEIR/RP-DEIR_Volume%20I.pdf,
http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Redevelopment_Agency/West%20Berkeley%20MMP.pdf

- Plant tiered vegetation along the project site boundaries -- laboratory studies show that cedar trees can remove some of the fine particulate matter emitted from traffic under low wind speeds³⁰;
- Providing notification to nearby residents in areas of estimated cumulative risk that exceeds one in one hundred thousand population that operation of the project may have detrimental health impacts as noted by California Air Resources Board and the South Coast Air Quality Management District.

A revised DEIR should be prepared to identify additional mitigation to reduce cancer risks from diesel particulates from cumulative project construction. The DEIR should include all feasible mitigation and should include modeling estimates to show risk reduction to levels less than the SCAQMD threshold of one in a million cancer risk.

GREENHOUSE GAS EMISSIONS REQUIRE ADDITIONAL MITIGATION

Operational emissions

The DEIR estimates project operational emissions to be 752,000 mt CO₂e/year, more than 75 times the SCAQMD's significance threshold of 10,000 mt CO₂e per year. The DEIR correctly concludes that emissions are significant (p. 4.7-30) and provides mitigation. Even after mitigation, operational GHG emissions are nearly 70 times greater than the thresholds (Table 4.7.I). As high as these emissions remain, even after mitigation, the estimate of post-mitigation GHG emissions is based on incorrect assumptions. If correct estimates of long-haul truck trips were used, estimates of GHG emissions would even be higher. Because emissions are so high, a revised DEIR should be prepared to identify additional mitigation measure to attempt to reduce GHG impacts.

Underestimating the GHG emissions in the DEIR stems largely from incorrectly estimating long haul truck trip distances which make up more than half of all Project operational emissions (DEIR, p. 4.7-30). The DEIR states that long-haul trucks travel an average of 50 miles per trip (p. 4.7-30). No basis for making this estimate of long-haul travel distances is provided in the DEIR.

The DEIR states the project would be haul cargo containers from the Port of Los Angeles or the Port of Long Beach (p. 4.7-43). Google maps shows routes to the Project average about 80 miles from the Ports of Los Angeles Long Beach, a distance 60% greater than the 50 mile distance estimated in the DEIR (Attachment C). Long-haul trips, even as underestimated in the DEIR, constitute the biggest component of operational emissions, by far, from Project operation (DEIR, p. 4.7-30).

The Project operational emissions are so significant, they constitute significant majority of the entire City of Moreno Valley's GHG emissions estimates for the year 2020. The DEIR states that the City of Moreno Valley's mitigated GHG emissions in 2020 will be 798,000 mt CO₂e/year (DEIR, p.4.7-9). In 2020, Project's emissions, after mitigation, are estimated to be 612,000 mt CO₂e/year (DEIR, p. 4.7-35), or 77% of the entire business as usual estimate for the City of Moreno Valley.

³⁰ http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Redevelopment_Agency/West%20Berkeley%20MMP.pdf, p. 3

Because emissions vastly exceed thresholds, additional mitigation, in the form of offsets, should be included in a revised DEIR. The Project applicant should obtain emission reduction credits, or carbon offsets, to reduce the Project's emissions to a less than significant level. Offsets should be chosen in a revised DEIR to show that offsets are verifiable and efficient. The DEIR should not be certified until the Applicant discloses that the Project's GHG emissions are significant during the construction period and mitigates emissions through the purchase of carbon offsets.

8

Construction emissions

Construction GHG emissions from 2013 to 2021 are estimated to total 434,126 mt CO₂e. The DEIR uses an amortization technique for a 30 year period to estimate emissions of 14,000 mt CO₂e (p. 4.7-30). The emissions are significant in that they exceed the threshold of South Coast AQMD threshold of 10,000 mt CO₂e.³¹

9

The DEIR does not identify any mitigation measures for construction GHGs in excess of thresholds. Many mitigation measures for construction GHGs are commonly recommended by the South Coast AQMD in their review of DEIRs.³² A revised DEIR should be prepared to include all mitigation measures that would be feasible in reducing GHG emissions. If these measures are not sufficient, carbon offsets should be purchased to reduce emissions to below the threshold.

Sincerely,



Matt Hagemann, P.G., C.Hg., QSD, QSP

³¹ <http://www.aqmd.gov/ceqa/handbook/signthres.pdf>

³² <http://www.aqmd.gov/ceqa/igr/2012/December/DEIRglenarm.pdf>, p. 3

RESPONSES TO LETTER F-7B

Lozeau Drury LLP

Response to Comment F-7B-1. The commenter refers to project information that has now changed, the revised project will develop 40.6 million square feet of logistics warehousing rather than 41.6 million, and the developable area of the World Logistics Center (WLC) Specific Plan is now 2,610 acres rather than 2,710 acres. The commenter also indicated that the analysis of impacts related to hazardous materials, hydrology, water quality, and air quality were inadequate and the EIR should be revised. The analysis in the original Draft Environmental Impact Report (DEIR), plus the additional and revised analyses of these issues in the Final Environmental Impact Report (FEIR), provide sufficient information upon which to make an informed decision, and that the additional information and mitigation, provided mainly in response to the many comments on the DEIR, do not rise to the level of significant new information, and do not identify any new or substantially increased environmental impacts of the project.

Response to Comment F-7B-2. The commenter says the DEIR does not adequately assess soil conditions on the project site. The many Phase 1 assessments do demonstrate that the WLC site does not contain significant soil contamination from agricultural chemicals, as explained in the Responses to Comments F-7A-18 and F-7A-21. However, to err on the side of caution, Mitigation Measure (MM) 4.8.6.1A has been modified to include soil sampling for agricultural chemicals when the 7 rural residences are developed.

Response to Comment F-7B-3. The commenter suggests the site has inadequate soil sampling and refers to a California Department of Toxic Substance Control (DTSC) publication for guidance (suggests organo-chloro-phosphate (OCPs) like dichlorodiphenyltrichloroethane (DDT) or dichlorodiphenyldichloroethylene (DDE) may be present). As outlined in Response to Comment F-7A-18, there is no reason to believe or evidence to demonstrate that the site is actually contaminated by OCPs such as DDT or DDE. The references cited by the commenter are general for those chemicals and are not specific to the WLC project site, and do not demonstrate that these chemicals were specifically used on the WLC site. The many Phase 1 assessments do demonstrate that the WLC site does not contain significant soil contamination from agricultural chemicals, as explained in the previous Response F-7A-18.

Response to Comment F-7B-4. The commenter expresses concern about soil contamination in the southwest portion of the project site. First, it should be noted that 100 acres in the southwest portion of the project were eliminated from the project, which covers most of the specific area referred to by the commenter. Again, the DEIR does adequately characterize baseline conditions on the WLC site in terms of soil contamination from agricultural activities. These issues are addressed in detail in Responses to Comments F-7A-18 and F-7A-21.

Response to Comment F-7B-5. Sediment toxicity was added to the 2010 303(d) list of impaired water bodies for Lake Elsinore and Table 4.9.A in the DEIR has been updated (FEIR Volume 2 Section 4.9 Table 4.9D). As required by MM 4.9.6.2B, a project-specific SWPPP will be prepared during the final design phase of the project. *“The Storm Water Pollution Prevention Plan (SWPPP) shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural best management practices (BMPs) to control sediment and nonvisible discharges from the site.”* (Page 4.9-31). The SWPPP will be prepared meeting all requirements of the 2009-0009-DWQ Construction General Permit effective July 1, 2010 (California Environmental Protection Agency, State Water Resources Control Board). Table 4.9.H lists possible construction site Best Management Practices (BMPs) for runoff control, sediment control, erosion control, and housekeeping that may be used during the construction phases of the proposed WLC

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

project. The implementation of an approved SWPPP with appropriate construction site BMPs will control erosion and sediment transport such that contaminated sediment and runoff will not significantly affect the water quality at all downstream water bodies, including Mystic Lake, Lake Elsinore, and San Jacinto River.

There are no anticipated legacy pollutants as a result of past uses. A Phase I Environmental Site Assessment (ESA) for the World Logistics Center Specific Plan has revealed no evidence of recognized environmental conditions (RECs) indicative of releases or threatened releases of hazardous substances on, at, in, or to the subject site. However, construction-related impacts from any pollutants that may be present based on current and historical uses of the project site, including organo-chloro-phosphate (OCPs) and other pesticides, or trace metals, will be mitigated by implementing appropriate construction BMPs to control erosion and sediment transport. Controlling erosion and sediment transport will also eliminate the transport of pollutants that attach to the sediments.

The SWPPP will identify specific construction site BMPs that will be required for the project. During construction, a registered Qualified SWPPP Practitioner (QSP) will be required to verify that a SWPPP is on site and check that construction BMPs are being implemented properly. Preparation of a SWPPP at the Specific Plan phase is not appropriate because no specific details of construction or grading are available at the specific plan level. The SWPPP will be prepared prior to issuance of any grading permit for development in the WLCSP area.

Changes to DEIR

Consistent with the comments provided by Letter F-7B (Lozeau Drury LLP), the text in DEIR Table 4.9.A, Page 4.9-5 is amended to include sediment toxicity for Lake Elsinore on the 303(d) list. The change to the DEIR does not result in a significant impact and has no material effect on the findings of the EIR. The revisions to the text of the DEIR are as follows:

Table 4.9.D: Receiving Waters from the Project Site

Receiving Water	303(d) List Impairments	Designated Beneficial Use	Proximity to RARE Use* Designation
San Jacinto River Reach 3 (Hydrologic Units 802.11, 802.14 and 802.21)	None	Intermittent: MUN, AGR, GWR, REC1, REC2, WARM, WILD	Approximately 2 miles to RARE designated San Jacinto Wildlife Area
Canyon Lake (Railroad Canyon Reservoir), San Jacinto River Reach 2 (Hydrologic Unit 802.11)	Nutrients, Pathogens	MUN, AGR, GWR, REC1, REC2, WARM, WILD	Not Rare
San Jacinto River Reach 1 (Hydrologic Units 802.32 and 802.31)	None	Intermittent: MUN, AGR, GWR, REC1, REC2, WARM, WILD	Not Rare
Lake Elsinore (Hydrologic Unit 802.31)	Nutrients, Organic Enrichment/Dissolved Oxygen, PCBs (polychlorinated biphenyls), Sediment Toxicity, Unknown Toxicity	MUN, REC1, REC2, WARM, WILD	Not Rare

* Rare, Threatened or Endangered Species (RARE) waters support habitats necessary for the survival and successful maintenance of plant or animal species designated under State or Federal law as rare, threatened, or endangered.

Source: *Preliminary Project Specific Water Quality Management Plan for World Logistics Center Specific Plan*, CH2M HILL, November 2012 September 2014.

Response to Comment F-7B-6. See Responses to Comments F-7A-47 and F-7A-48.

Response to Comment F-7B-7. See Response to Comment F-7A-65.

Response to Comment F-7B-8. See Response to Comment F-7A-57.

Response to Comment F-7B-9. See Response to Comment F-7A-58.

Letter F-7C: Lozeau Drury LLP (April 5, 2013) and Appendices 1-11 (on Flash Drive)

April 4, 2013

Ms. Cathy D. Lee
Lozeau-Drury, LLP
410 12th Street, Suite 250
Oakland, CA 94607

**Subject: Comments on the Draft Environmental Impact Report prepared for the
World Logistics Center Project**

Dear Ms. Lee:

This letter contains my comments on the Draft Environmental Impact Report (“DEIR”) prepared for the World Logistics Center Project (“Project”). Highland Fairview Operating Company (“Applicant”) is proposing the World Logistics Center Specific Plan for 3,918 acres in the Rancho Belago area of the City of Moreno Valley. The Project entails a General Plan Amendment, which would redesignate approximately 71 percent of the area (2,710 acres) for logistics warehousing and the remaining 29 percent (1,104 acres) for permanent open space and public facilities.

I am an environmental biologist with 20 years of professional experience in wildlife ecology, forestry, and natural resource management. I have served as a biological resources expert for over 50 development projects. My experience in this regard includes testifying before the California Energy Commission and California Public Utilities Commission, and assisting various clients with evaluations of biological resource issues. My educational background includes a B.S. in Resource Management from the University of California at Berkeley, and a M.S. in Wildlife and Fisheries Science from the Pennsylvania State University.

I am on Riverside County’s list of Authorized Biological Consultants. I have gained particular knowledge of the biological resource issues associated with the Project through studies I have conducted in Riverside County, and through my work on other projects in the Project region. The subsequent comments are based on my review of the environmental documents prepared for the Project, a review of scientific literature pertaining to biological resources known to occur in the Project area, consultations with biological resource experts, and the knowledge and experience I have acquired during more than 20 years of working in the field of natural resources management.

1

THE DEIR'S FAILURE TO ESTABLISH EXISTING CONDITIONS PRECLUDES A THOROUGH ASSESSMENT OF PROJECT IMPACTS TO SENSITIVE BIOLOGICAL RESOURCES

The DEIR Fails to Accurately Disclose the Value of the Project Site to Raptors

The DEIR identifies the Project site as providing “marginal foraging habitat for some raptors species.”¹ This statement is not substantiated by survey data. Indeed, two different studies that were conducted in the Project area demonstrate (or strongly suggest) that the Project site provides very important habitat for raptors.

McCrary et al. (1985) conducted a 2-year fall and winter study of raptors in the San Jacinto Valley to provide baseline data on populations in southern California and to quantify the importance of the valley as a wintering area for raptors.² The study area was predominately agricultural lands (alfalfa and grain crops) and dairy farms, and it included the southern half of the Project site.³ The investigators detected 14 raptor species during their study, and raptor densities were 5 to 17 times higher than those reported for other regions. This led the authors to conclude that “*the San Jacinto Valley and similar surrounding areas are of major importance to wintering birds of prey.*”⁴

Beckman et al. (2011) replicated the raptor surveys between 2005 and 2009 and derived a comparable conclusion regarding the importance of the region to raptor species.⁵ Furthermore, both studies indicate the San Jacinto Valley provides important wintering grounds for the white-tailed kite, northern harrier, ferruginous hawk, golden eagle, and prairie falcon—all of which are special-status species. The State of California indicates 22 overwintering raptor species are known to utilize the San Jacinto Valley, and that the San Jacinto Valley consistently ranks in the top one to two percent in species diversity for the North American Christmas Bird Counts.⁶

Burrowing Owl Surveys Were Incomplete and Did Not Adhere to Survey Protocols

The Western Riverside County Multiple Species Habitat Conservation Plan (“MSHCP”) identifies the Project site as being within an area requiring focused surveys for burrowing owls. The Applicant did not conduct surveys throughout all portions of the Project site that provide suitable habitat for burrowing owls, nor did it conduct surveys according to

¹ DEIR, p. 4.4-28.

² McCrary MD, RL McKernan, WD Wagner, RE Landry. 1986. Roadside raptor census in the San Jacinto Valley of southern California. *Western Birds* 17:123-130. (Attachment A).

³ *Ibid.*, p. 123 and Figure 1.

⁴ *Ibid.* [emphasis added].

⁵ Beckman A, S Hoffman, R Zembal, and others. 2011. Roadside Raptor Surveys of the Santa Ana River Watershed in Riverside and San Bernardino Counties, California, 2005-2009 [Abstract]. 2011 Annual Conference of the Western Section of the Wildlife Society, Riverside, California. (Attachment B).

⁶ State of California. 2008. San Jacinto Wildlife Area, Expansion 31, Riverside County [internet]. Available at: <http://bondaccountability.resources.ca.gov/NewsArticle.aspx?pid=4&id=133>

the protocol established by the MSHCP.⁷

Burrowing owls occur in open habitat types (e.g., grassland, shrub steppe, desert, agriculture, and ruderal, among others) if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity.⁸ As the DEIR acknowledges, almost all of the Project site and surrounding buffer area provide potentially suitable habitat for burrowing owls.⁹ The DEIR suggests protocol surveys for the burrowing owl were conducted throughout the entire Project site, and that much of the Project site has been subject to several years of protocol-level surveys. To the contrary, the survey reports that accompany the DEIR suggest the burrowing owl surveys were cursory, and that some portions of the Project site providing suitable burrowing owl habitat were never surveyed.

2005 Surveys

In 2005, the Applicant's consultants used aerial photographs to categorize the potential (i.e., low, moderate, and high potential) for burrowing owls to occur in various portions of the 1,778-acre Bel Lago Property (a subset of the Project site). The consultants then conducted four surveys "on foot and by vehicle within suitable habitat on the Project site and within a 100-foot buffer around the suitable habitat."¹⁰ In my opinion, those surveys were insufficient for documenting habitat suitability; and the presence, abundance, and distribution of burrowing owls in the survey area.

First, the presence and abundance of suitable burrows is an essential element of burrowing owl habitat, and thus, the suitability of the habitat as a whole. It would have been impossible for the Applicant's consultants to use aerial photographs to map the presence of burrows. This issue is confounded because the conclusions in the survey report pertaining to habitat suitability are internally inconsistent and/or are not supported by scientific literature. For example, the report first states habitat within the "low potential" area had little to no vegetation, but it subsequently states "low potential" habitat typically contained 100% vegetation coverage that provided poor habitat for burrowing owls due to limited visibility of ground dwelling species.¹¹

Second, the surveys did not adhere to the methods described in the California Department of Fish and Wildlife's ("CDFW") Staff Report on Burrowing Owl Mitigation, as required by the MSHCP. CDFW's 2005 Staff Report states: "[s]urveys should be conducted by *walking* suitable habitat on the entire project site and (where possible) in areas within 150 meters (approx. 500 ft.) of the project impact zone."¹² Indeed, administrators of the

⁷ Regional Conservation Authority. 2006. Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. Available at: <http://www.wrc-rca.org/library.asp?id164>.

⁸ CDFG. 2012. Staff Report on Burrowing Owl Mitigation. Available at: www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf.

⁹ DEIR, p. 4.4-29.

¹⁰ *Ibid*, Appendix E. Michael Brandman Associates. 2005 Sep 12. DRAFT Focused Burrowing Owl Survey Report for the 1,778-acre Bel Lago Property, p. 6.

¹¹ *Ibid*, pp. 6 and 10.

¹² California Department of Fish and Game. 1995. Staff Report on Burrowing Owl Mitigation. [emphasis added].

MSHCP have established that burrowing owl surveys that are conducted while driving are unacceptable.¹³ Although the surveyors detected a breeding pair of burrowing owls on the Project site they did not conduct additional surveys to identify the location of the nest site.¹⁴

3

2007 Surveys

The Applicant's consultant conducted additional surveys for burrowing owls in 2007. However, the surveys were limited to the site for the 158.4-acre Highland Fairview Corporate Park and the surrounding 500-foot buffer zone.¹⁵ The surveys did not encompass the location where burrowing owls were detected in 2005, and thus they were incapable of determining continued use of the site by the breeding pair.¹⁶

4

2010 Surveys

In 2010, the Applicant's consultant conducted surveys within the 4,321-acres Highlands Specific Plan area. According to the survey report, a single biologist conducted the burrow survey (Part A of the protocol) and first focused burrowing owl survey (Part B of the protocol) between 0630 and 0730 hours on June 9, 2010.¹⁷ Only areas identified in the initial survey as having potential burrows and adjacent foraging habitat for owls were surveyed during the remaining three surveys.¹⁸ As a result, the survey effort was limited to four drainages within the entire Project site and surrounding buffer zone.¹⁹ Such an effort would have been insufficient for documenting the presence, abundance, and distribution of burrowing owls within the Project site.

5

First, it would have been impossible for a single biologist to identify the presence of potentially suitable burrows across several thousand acres of potentially suitable habitat within one hour. Furthermore, the "Sensitive Plant Focused Survey" report indicates the biologist was conducting sensitive plant surveys within four drainages at the exact same time and date. Consequently, he could not have been conducting the burrow and burrowing owl survey across the entire Project site and buffer—as the report indicates.

Second, each of the remaining three focused surveys was limited to two biologists conducting surveys for one hour per day.²⁰ At the same time, one of the two biologists

¹³ Regional Conservation Authority. 2006. Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. Available at: <http://www.wrc-rca.org/library.asp?id164>.

¹⁴ DEIR, Appendix E. Michael Brandman Associates. 2005 Sep 12. DRAFT Focused Burrowing Owl Survey Report for the 1,778-acre Bel Lago Property, p. 6.

¹⁵ *Ibid*. Michael Brandman Associates. 2008 Feb 5. Burrowing Owl Focused Survey: Highland Fairview Corporate Park.

¹⁶ *Ibid*, Exhibit 4. *See also* DEIR, Appendix E. Michael Brandman Associates. 2005 Sep 12. DRAFT Focused Burrowing Owl Survey Report for the 1,778-acre Bel Lago Property, Exhibit 4.

¹⁷ DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Burrowing Owl Focused Survey: Highlands Specific Plan, p. 18.

¹⁸ *Ibid*, p. 13.

¹⁹ *Ibid*, Exhibit 4.

²⁰ *Ibid*, Table 2.

was reported to have been conducting surveys for sensitive plant species.²¹ It would have been impossible for the biologists to reliably survey the four drainages for burrowing owls and sensitive plants during such a short period of time, especially given that there were numerous burrows throughout the survey area.²²

The survey report indicates: “[t]here is no additional suitable habitat within 500 feet surrounding the project site. Therefore, although evaluated, protocol burrowing owl surveys were not conducted within the 500-foot buffer area.”²³ This statement is misleading and undermines the information presented in the DEIR. First, it is clear the Applicant’s consultant did not walk through (evaluate) the entire Project site and 500-foot buffer zone to determine the presence of potentially suitable burrows for burrowing owls. Second, the survey area appears to have been dictated by habitat suitability for sensitive plant species, which does not necessarily coincide with that for burrowing owls.²⁴ Third, the consultant’s statement conflicts with information presented in its 2005 survey report, which identifies most of the Project site as having “moderate potential habitat” for burrowing owls.²⁵ Fourth, the consultant’s statement conflicts with: (a) its map of vegetation communities; (b) imagery available through Google Earth (Figures 1 and 2); and (c) information provided in the DEIR.²⁶ These sources suggest there is considerably more suitable habitat for burrowing owls than suggested in the consultant’s 2010 survey report.

5

2007 and 2012 Surveys

The DEIR indicates focused burrow and burrowing owls surveys also were conducted in 2006 (750 acres) and 2012 (3,300 acres).²⁷ However, the DEIR does not provide survey reports or any other information that describes and documents the survey efforts. As a result, I am unable to evaluate the value of those survey efforts in providing information pertaining to the burrowing owl.

A single burrowing owl was observed within the temporary detention basin located south of the Highland Fairview Corporate Park during a March 2012 site visit associated with the Jurisdictional Delineation.²⁸ Although this observation was important given the scarcity of owls in the MSHCP plan area, the Applicant’s consultant apparently made no attempt to determine the breeding status of the owl.

²¹ DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, Table 3.

²² *Ibid.* Michael Brandman Associates. 2010 Dec 13. Burrowing Owl Focused Survey: Highlands Specific Plan, p. 18.

²³ *Ibid.*

²⁴ *Ibid.*, Exhibit 4. *See also* DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, p. 10 and Exhibit 5.

²⁵ DEIR, Appendix E. Michael Brandman Associates. 2005 Sep 12. DRAFT Focused Burrowing Owl Survey Report for the 1,778-acre Bel Lago Property, Exhibit 4.

²⁶ *Ibid.*, p. 4.4-29.

²⁷ *Ibid.*

²⁸ *Ibid.*, Appendix E, p. 46.

The Applicant's consultant has concluded the burrowing owl "is not considered a permanent resident within the entire study area."²⁹ The consultant has no basis for its conclusion because it did not conduct any surveys to evaluate winter residency. Moreover, it appears that at least one burrowing owl was detected south of the Highland Fairview Corporate Park (Skecher's Logistic Center) each time the area was surveyed.³⁰ This information, and the knowledge that burrowing owls have high site fidelity, strongly suggests that the burrowing owl is a breeding season resident on the Project site.



Figure 1. Potentially suitable burrowing owl habitat at proposed debris basin site east of Gilman Springs Road.

²⁹ *Ibid.*

³⁰ *Ibid.*



Figure 2. Potentially suitable burrowing owl habitat at proposed debris basin site east of Gilman Springs Road.

The DEIR Fails to Establish Existing Conditions Pertaining to Special-Status Plant Species That May Be Impacted by the Project

Protocol-Level Plant Surveys Were Not Conducted

Failure to survey the entire Project area and buffer-

The Applicant's consultant conducted rare plant surveys in June 2010. These surveys, however, were based on the footprint for the Highlands Specific Plan, and they were limited to four drainages within the Project site.³¹ The Applicant's consultant did not survey any other portions of the Project area, including the Riversidean Sage Scrub communities, which the DEIR identifies as having the potential to support rare plant species that are not covered by the MSHCP.³²

CDFW survey guidelines indicate focused botanical surveys should be conducted *whenever natural or naturalized vegetation occurs on a project site* and the project has

³¹ DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, p. 2. and Exhibit 5.

³² *Ibid*, pp. 4.4-26 and -27.

the potential for direct or indirect effects on vegetation.³³ Natural and naturalized vegetation occur on and adjacent to the Project site, and the Project will have direct and indirect impacts on that vegetation.³⁴ Therefore, to establish existing conditions and comply with CDFW guidelines, the Applicant needs to conduct appropriately timed botanical surveys throughout all portions of the Project area and buffer zone containing natural or naturalized vegetation. Data from those surveys are required to fully assess existing conditions, analyze Project impacts, and formulate appropriate mitigation for impacts to sensitive botanical resources.

Inappropriate methodology-

The methods used to survey special-status plants on the Project site had numerous flaws that have resulted in unreliable information on baseline conditions and Project impacts.

The Applicant's consultant concluded that three sensitive plant species have a "moderate" potential to occur on the Project site. The sensitive plant surveys were limited to a search for those three species.³⁵ The "list approach" implemented by the Applicant's consultant is not an accepted technique for disclosing and analyzing the impacts of a project. Indeed, the CDFW specifically advises against the "list approach" for botanical inventories. Its survey guidance states:

This list [of special-status plants with potential to occur within a particular region] can serve as a tool for the investigators and facilitate the use of reference sites; however, special status plants on site might not be limited to those on the list. Field surveys and subsequent reporting should be comprehensive and floristic in nature and *not restricted to or focused only on this list...* "Focused surveys" that are limited to habitats known to support special status species or are restricted to lists of likely potential species are not considered floristic in nature and **are not adequate** to identify all plant taxa on site to the level necessary to determine rarity and listing status.³⁶

As the survey report acknowledges, "[t]he focused plant survey...is not considered a comprehensive botanical survey to record all observed species within the survey areas."³⁷

According to the survey report, the 2010 surveys were conducted within the known flowering period of the special-status species potentially occurring within the Project footprint.³⁸ However, the phenology of plants can vary considerably within the known

³³ CDFG. 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Available at:

http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html#Plants.

³⁴ DEIR, Figure 4.4-1.

³⁵ *Ibid*, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, p. 1.

³⁶ CDFG. 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Available at:

http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html#Plants. [emphasis added].

³⁷ DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, p. 9.

³⁸ *Ibid*.

flowering period depending on environmental conditions. Contrary to guidance issued by the CDFW, the Applicant's biologist did not visit reference sites to determine the phenology of the target species and to confirm they were identifiable at the time of the surveys.³⁹

The sensitive plant surveys were limited to seven man-hours, during which time the biologist was also searching for burrowing owls.⁴⁰ In my opinion, it would have been impossible for the biologist to reliably survey the four drainages for burrowing owls and sensitive plants during such a short period of time.

Due to the issues described above, the DEIR lacks reliable information on existing conditions, and it is not possible for the City of Moreno Valley ("City") to conclude special-status plant species are absent from the Project site.

The DEIR Fails to Establish Existing Conditions Pertaining to the Los Angeles Pocket Mouse

The Los Angeles pocket mouse is a state listed Species of Special Concern and a MSHCP Group 3 species. The Los Angeles pocket mouse is associated with fine, sandy soils in intermittent drainages, non-native grassland, Riversidean sage scrub, Riversidean alluvial fan sage scrub, chaparral and redshank chaparral habitats.⁴¹ The DEIR relays the opinion of the Applicant's consultant that the species is absent from the Project area.⁴² That conclusion is unjustified for two reasons.

First, focused surveys for the Los Angeles pocket mouse were not conducted throughout all potentially suitable habitats. In 2005, trapping surveys were limited to nine acres of suitable habitat within "Drainage Feature 9."⁴³ In 2010, surveys were limited to trapping along approximately 1,000 feet of Drainage Feature 9, and within two ephemeral drainages (each also approximately 1,000 feet) dominated by mule fat but within an agricultural field.⁴⁴ Trapping surveys were never conducted in other portions of the Project area that contain potentially suitable habitat for the Los Angeles pocket mouse. These include: (a) the northern portion of "Drainage Feature 7" where it is associated with native vegetation; (b) the drainages and native vegetation communities east of Gilman Springs Road and north of Highway 60; (c) the grassland community within the Project area; and (d) the remaining scrub communities in the Project area.

³⁹ CDFG. 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Available at:

http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html#Plants.

⁴⁰ DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Sensitive Plant Focused Survey: Highlands Specific Plan, Table 3. *See also* DEIR, Appendix E. Michael Brandman Associates. 2010 Dec 13. Burrowing Owl Focused Survey: Highlands Specific Plan, Table 2.

⁴¹ MSHCP, Vol II-B, Species Accounts: Mammals. Available at: <http://www.wrc-rca.org/library.asp>

⁴² DEIR, p. 4.4-30.

⁴³ *Ibid*, Appendix E. Michael Brandman Associates. 2005 Sep 26. DRAFT Focused Los Angeles Pocket Mouse Survey Report for the 1,778-Acre Bel Lago Property, p. 7.

⁴⁴ *Ibid*, p. 10.

Second, it is well established in the field of wildlife science that it is nearly impossible to prove absence. This is especially true for the Los Angeles pocket mouse, which appears to occur at low densities and is difficult to trap.⁴⁵

Potentially significant Project impacts to the Los Angeles pocket mouse cannot be properly disclosed, analyzed, and mitigated until trapping surveys have been completed throughout all potentially suitable habitats in the Project area and buffer zone.

7

The DEIR Fails to Disclose Impacts to All Special-Status Species

Northwestern San Diego Pocket Mouse

The Northwestern San Diego pocket mouse is a state listed Species of Special Concern. According to the DEIR, the Northwestern San Diego pocket mouse has a low potential of occurring in the Project area.⁴⁶ This conclusion is incorrect. The Applicant's consultant captured seven Northwestern San Diego pocket mice during its 2010 trapping surveys on the Project site.⁴⁷ Development of the Project will have an adverse effect on the Northwestern San Diego pocket mouse. The City must disclose, analyze, and provide mitigation for this potentially significant impact.

8

San Diego Desert Woodrat

The San Diego Desert woodrat is a state listed Species of Special Concern. The Applicant's consultant captured eight San Diego desert woodrats during its trapping surveys on the Project site.⁴⁸ The DEIR does not disclose the presence of San Diego desert woodrats on the Project site, nor does it analyze potentially significant impacts to the (sub)species.

9

American Badger

The American badger is a state listed Species of Special Concern that is not covered under the MSHCP. The DEIR incorrectly states that the Project area does not contain habitat for the American badger.⁴⁹ The American badger occurs in herbaceous, shrub, and open stages of most habitats with dry, friable soils.⁵⁰ American badgers have the potential to occur on the Project site, especially in the patches of habitat that have not been subject to periodic discing. As a result, the City must disclose, analyze, and provide mitigation for potentially significant Project impacts to the American badger.

10

⁴⁵ MSHCP, Vol II-B, Species Accounts: Mammals, p. M-92. Available at: <http://www.wrc-rca.org/library.asp>

⁴⁶ DEIR, Table 4.4.D.

⁴⁷ *Ibid*, Appendix E. Michael Brandman Associates. 2010 Dec 13. Focused Los Angeles Pocket Mouse Survey Report: Highlands Specific Plan, Table 2.

⁴⁸ *Ibid*. Michael Brandman Associates. 2005 Sep 26. Focused Los Angeles Pocket Mouse Survey Report for the 1,778-acre Bel Lago Property, Table 1.

⁴⁹ *Ibid*, p. 4.4-27.

⁵⁰ California Department of Fish and Game. California Interagency Wildlife Task Group. 2005. California Wildlife Habitat Relationships version 8.1 personal computer program. Sacramento, California.

Western Yellow Bat

The western yellow bat is a state listed Species of Special Concern that is not covered under the MSHCP. The DEIR states there is no suitable habitat for the species in the Project area even though (a) no bat surveys were conducted for the Project; and (b) the species has been documented occurring in the Project region.⁵¹

The western yellow bat is a “tree-roosting” species commonly found roosting in the skirt of dead fronds in both native and non-native palm trees.⁵² It is believed to form small maternity groups in trees and palms, including in ornamental plantings in residential areas and orchards.⁵³ One of the primary threats to the species in the U.S. is the cosmetic trimming of palm fronds.⁵⁴ Palms occur in the Project area and presumably may be impacted by the Project.⁵⁵

Bats are very vulnerable to disturbance.⁵⁶ Construction activities associated with the Project have the potential to cause bats to abandon roosts and maternity colonies. The DEIR does not disclose, assess, or provide mitigation for this potentially significant impact.

11

Bell’s Sage Sparrow

The Bell’s sage sparrow is a U.S. Fish and Wildlife Service (“USFWS”) Bird of Conservation Concern, a CDFW Watch List species, and a MSHCP Group 2 species. The DEIR states there is no suitable habitat for the Bell’s sage sparrow within the Project area.⁵⁷ The DEIR fails to acknowledge that the subspecies was detected during small mammal trapping surveys on the Project site.⁵⁸ As a result, the City must disclose and analyze potentially significant Project impacts to the Bell’s sage sparrow.

12

⁵¹ California Natural Diversity Database, Biogeographic Data Branch, Department of Fish and Game. 2012 Feb 7 (Version 3.1.0). *See also* DEIR, p. 4.4-27.

⁵² Western Bat Working Group. 2005 [updated]. Species accounts. Available at: http://www.wbwg.org/species_accounts.

⁵³ California Wildlife Habitat Relationships System. 2005. California Department of Fish and Game. California Interagency Wildlife Task Group. CWHR version 8.1 personal computer program. Sacramento (CA). *See also* Western Bat Working Group. 2005 [updated]. Species accounts. Available at: http://www.wbwg.org/species_accounts.

⁵⁴ Western Bat Working Group. 2005 [updated]. Species accounts. Available at: http://www.wbwg.org/species_accounts.

⁵⁵ DEIR, Appendix E.

⁵⁶ Western Bat Working Group. 2005 [updated]. Species accounts. Available at: http://www.wbwg.org/species_accounts.

⁵⁷ DEIR, p. 4.4-27.

⁵⁸ *Ibid*, Appendix E. Michael Brandman Associates. 2005 Sep 26. Focused Los Angeles Pocket Mouse Survey Report for the 1,778-acre Bel Lago Property, Appendix A: Floral and Faunal Compendia.

Grasshopper Sparrow

The grasshopper sparrow is a state listed Species of Special Concern. The species is not covered by the MSHCP because the species-specific conservation objectives defined in the MSHCP have not yet been met.⁵⁹ The grasshopper sparrow was detected on the Project site.⁶⁰ However, the DEIR does not disclose, analyze, or provide mitigation for potentially significant Project impacts to the species.

13

White-tailed Kite

The DEIR concludes “[n]o suitable nesting habitat for white-tailed kite or American peregrine falcon occurs within the area due to historic agricultural activities, regular disking of the site, and dominance of sparse, non-native low-quality vegetation.”⁶¹ This conclusion conflicts with scientific information. White-tailed kites are known to nest in a variety of different tree species.⁶² Furthermore, agricultural habitat, especially dryland field crops (e.g., wheat and barley), may play an important role as foraging habitat for nesting white-tailed kites because the fields are known to provide prey for foraging raptors. The City must disclose and analyze potentially significant Project impacts to the white-tailed kite.

14

Ferruginous Hawk and Merlin

The ferruginous hawk is a USFWS Bird of Conservation Concern and a CDFW Watch List species. The merlin is a CDFW Watch List species. The DEIR states the Project site provides suitable foraging habitat for these two species, but no suitable nesting habitat.⁶³ Both the ferruginous hawk and merlin are known to occur in the Project region.⁶⁴

15

It is well established that ferruginous hawks and merlins do not nest in California, and that the special-status designations for these two species apply to birds on their *wintering* grounds. Therefore, the lack of nesting habitat on the Project site is irrelevant to the potential for Project impacts under CEQA. As a result, the City must disclose and analyze Project impacts to the ferruginous hawk and merlin, and it must identify how potentially significant impacts to the two species would be mitigated.

⁵⁹ MSHCP, Vol II-B, Species Accounts: Birds. *See also* MSHCP 2011 Annual Report, Table 25. Available at: <http://www.wrc-rca.org/library.asp>

⁶⁰ DEIR, Table 4.4.D.

⁶¹ *Ibid*, p. 4.4-26.

⁶² Niemela CA. 2007. Landscape characteristics surrounding white-tailed kite nest sites in Southwestern California. MS Thesis, Humboldt State University, Arcata, California.

⁶³ DEIR, p. 4.4-27.

⁶⁴ eBird. 2011. eBird: An online database of bird distribution and abundance [web application]. Version 2. eBird, Ithaca, New York. Available: <http://www.ebird.org>. (Accessed: 2013 Feb 2).

The DEIR Provides Incorrect Information on the Jurisdictional Status of Drainages in the Project Area.

The DEIR states the drainage features in the Project area are not subject to the jurisdiction of the CDFW.⁶⁵ This statement is inconsistent with information provided in the Jurisdictional Delineation report, which identifies portions of Drainages 7 and 9 as being jurisdictional under 1600 of the Fish and Game Code.⁶⁶

The DEIR states that the Project site does not contain any features under the jurisdiction of the Regional Water Quality Control Board (“RWQCB”).⁶⁷ This statement appears to be based on the false impression that features not under the jurisdiction of the U.S. Army Corps of Engineers are also not under the jurisdiction of the RWQCB.⁶⁸

The jurisdictional reach of Porter-Cologne Water Quality Control Act (i.e., RWQCB) extends to all “waters of the state.”⁶⁹ That term is defined as “any surface water or groundwater, including saline waters, within the boundaries of the state.”⁷⁰ Because Porter-Cologne applies to any water and the federal Clean Water Act only applies to certain waters, California’s jurisdictional reach is broader and more comprehensive than the federal government’s.⁷¹

16

PROJECT IMPACTS

The Extent of Project Impacts to Sensitive Biological Resources Cannot Be Assessed Due to the Lack of Survey Data

For reasons previously discussed, project impacts to the burrowing owl, Los Angeles pocket mouse, and special-status plants cannot be sufficiently assessed due to the lack of comprehensive survey data. The lack of comprehensive survey data on burrowing owls is especially problematic because it is a MSHCP “Group 3” species (with additional survey needs and procedures), and because the species is known to occur on the Project site.

17

⁶⁵ DEIR, p. 4.4-51.

⁶⁶ *Ibid*, Appendix E. Michael Brandman Associates. 2012 Apr 23. Assessment of Jurisdictional Waters and Wetlands, p. 42.

⁶⁷ *Ibid*, p. 4.4-59.

⁶⁸ *For example, see:* DEIR, Appendix E. Michael Brandman Associates. 2012 Apr 23. Assessment of Jurisdictional Waters and Wetlands, p. 32.

⁶⁹ State Water Resources Control Board. 2013 Jan 28. PRELIMINARY DRAFT: WATER QUALITY CONTROL POLICY for Wetland Area Protection and Dredged or fill Permitting, p. 4. Available at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wrapp/policy_draft.pdf

⁷⁰ *Ibid*.

⁷¹ *Ibid*.

Burrowing Owl

Burrowing owls have been documented occurring on the Project site.⁷² As a result, the Project is likely to have significant direct and indirect impacts on burrowing owl resources (including burrows, foraging habitat, and individual owls). However, the extent and magnitude (e.g., number of afflicted owls) cannot be fully evaluated and mitigated until surveys that comply with CDFW's 2012 survey requirements have been conducted. Moreover, it is not possible to rule out the potential for the Project to significantly impact burrowing owls until surveys that adhere to the protocol have been conducted.

— 18

The DEIR Fails to Provide Scientific Analysis of Project Impacts to Raptor Habitat

The City's analysis of Project impacts to raptor foraging habitat is limited to the following statements:

The WLCSP [World Logistics Center Specific Plan] and off-site facilities contain flat, open areas with sparse vegetation, which could be considered foraging habitat for some raptor species. Due to the regular, heavy disturbance associated with the various agricultural activities in the WLCSP and off-site facilities resulting in a rather limited prey base, and the limited size of the site in relation to the expansive foraging habitat in the near vicinity including both the CDFW Conservation Buffer Area and the SJWA [San Jacinto Wildlife Area], LSSRA [Lake Perris State Recreation Area] and the extensive Badlands to the east, the foraging habitat on site is considered marginally suitable and an adverse but not significant impact to raptor foraging habitat is anticipated.⁷³

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These statements are not supported by actual analysis.

First, neither the Applicant nor the City conducted any studies to quantify the prey base for raptors. Whereas agricultural activities can reduce the prey base, certain activities (e.g., harvesting, discing, mowing, flood irrigation, and burning) increase hunting efficiency by reducing cover or otherwise increasing the exposure of prey to foraging raptors. Indeed, some raptor species (e.g., Swainson's hawk) have learned to exploit the abundance of prey made available by agricultural activities. For example, Estep (1989) reported that Swainson's hawks in the Central Valley spent 52.8% of their foraging time hunting in apparent response to harvesting, discing, mowing, or irrigation.⁷⁴

Second, the Project site cannot be characterized as being of "limited size" in relation to the expansive foraging habitat in the vicinity. Indeed, the Applicant's consultant identified the study area as containing "extensive raptor foraging habitat."⁷⁵ The consultant also concluded that impacts to the large amount of raptor foraging habitat on

⁷² DEIR, Appendix E, p. 46.

⁷³ *Ibid*, p. 4.4-75.

⁷⁴ Estep JA. 1989. Biology, movements, and habitat relationships of the Swainson's Hawk in the Central Valley of California, 1986-87. Calif. Dept. Fish and Game, Nongame Bird and Mammal Sec. Rep., 52 pp. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentVersionID=70479>

⁷⁵ DEIR, Appendix E, p. 3.

the site may be a significant impact under CEQA.⁷⁶

Whereas I do not contest that there is a considerable amount of foraging habitat in the Project vicinity, it is overly simplistic for the City to conclude that the loss of over 2,700 acres of foraging habitat would not have a significant impact on raptors. Some raptor species are intolerant of even small amounts of urban development.⁷⁷ For example, Berry et al. (1998) concluded that even small amounts of urbanization usually rendered *whole landscapes* unacceptable to bald eagles, ferruginous hawks, rough-legged hawks, and prairie falcons.⁷⁸ In addition, raptors that are displaced from the Project site to suboptimal habitats would likely experience reduced survivorship. Thus, the City's analysis of Project impacts to raptors must consider (a) the size and configuration of remnant foraging habitat in relation to urbanization; and (b) the quality and carrying capacity of the habitat remaining in the region.

19

The DEIR Fails to Disclose, Analyze, or Provide Mitigation for Adverse Effects Associated with the Relocation of Wildlife

The DEIR indicates burrowing owls, Los Angeles pocket mice, and perhaps other sensitive species may be “relocated” to the 250-foot setback zone along the southern boundary of the Project site. Relocating sensitive wildlife to the setback zone defeats its intent, which is to provide a buffer between the Project and sensitive biological resources. Moreover, relocating wildlife outside of the construction area does not ensure impacts are mitigated.

In a comprehensive review of translocation projects involving birds and mammals, Griffith et al. (1989) concluded overall success rates were apparently dependent on a variety of ecological factors, including the quality of the habitat where animals were released.⁷⁹ When an animal is moved to an unfamiliar location, it has no knowledge of the habitat resources essential for its survival (e.g., food, water, and cover). The lack of cover in an unfamiliar setting makes a prey species (e.g., Los Angeles pocket mouse) an easy target for predators. In addition, many animals exhibit an intrinsic homing response that is energetically taxing, and that may preclude procurement of food and cover resources. Elevated stress hormone levels an organism generates when it is handled and moved may synergistically interact with increased energetic demands to further reduce possibility of survival. Even if the translocated animal is placed in an area with readily available resources, aggressive competitors may prevent the displaced animal from accessing the resources, and from mating.

20

⁷⁶ *Ibid.*

⁷⁷ Berry ME, CE Bock, SL Haire. 1998. Biodiversity of open space grasslands at a suburban/agricultural interface, Part III: Abundance of diurnal raptors on open space grasslands in an urbanized landscape. Final report to the Biological Resources Division, U.S. Geological Survey and Department of Open Space/Real Estate, City of Boulder. Contract No. 1445-CA09-96-0025. Available at: <http://www.bouldercolorado.gov/> (Attachment C).

⁷⁸ *Ibid.*

⁷⁹ Griffith B, JM Scott, JW Carpenter, C Reed. 1989. Translocation as a species conservation tool: status and strategy. Science 245:477-480. (Attachment D).

Burrowing owl-

Consistent with CDFW guidelines, passive relocation is a potentially significant impact under CEQA that must be analyzed.⁸⁰ Specifically, the temporary or permanent closure of burrows may result in: (a) significant loss of burrows and habitat for reproduction and other life history requirements; (b) increased stress on burrowing owls and reduced reproductive rates; (c) increased depredation; (d) increased energetic costs; and (e) risks posed by having to find and compete for available burrows.⁸¹ The City must thoroughly analyze the effects of passive relocation if it may be implemented at the Project site.

The need for full analysis of potential impacts from passive relocation is further supported by research that indicates most translocation projects have resulted in fewer breeding pairs of burrowing owls at the mitigation site than at the original site, and that translocation projects generally have failed to produce self-sustaining populations.⁸² Investigators attribute the limited success of translocation to: (a) strong site tenacity exhibited by burrowing owls, and (b) potential risks associated with forcing owls to move into unfamiliar and perhaps less preferable habitats.⁸³

Each of these issues exemplifies the need for the Applicant to prepare a detailed translocation plan that is approved by the resource agencies before translocation occurs. At a minimum, the plan should contain:

1. an assessment of potential release sites, with special attention dedicated to estimating the size of the receiving population.
2. an assessment of threats at the release site (e.g., predators, pesticide use, land management activities), and a discussion of how these threats have been (or will be) mitigated.
3. a detailed description of the monitoring and adaptive management measures that will be implemented after animals are released.

The DEIR Fails to Assess Cumulative Impacts

The DEIR provides virtually no analysis of the Project's contribution to cumulative impacts to sensitive biological resources. It simply concludes: "the regional (cumulative) implications of the project can be addressed through the fee payment program of the MSHCP because it provides a regional and comprehensive approach to conservation planning," and that "no significant cumulative effect on biological resources would result from the development of the proposed uses with implementation of the identified program mitigation measures."⁸⁴

⁸⁰ CDFG. 2012. Staff Report on Burrowing Owl Mitigation, p. 10.

⁸¹ *Ibid.*

⁸² Smith BW, JR Belthoff. 2001. Burrowing owls and development: short-distance nest burrow relocation to minimize construction impacts. J. Raptor Research 35:385-391. (Attachment E).

⁸³ *Ibid.*

⁸⁴ DEIR, p. 4.4-81.

The City's justification fails to consider the Project's contribution to potentially significant impacts to species not covered by the MSHCP. Indeed, the Final EIR/EIS for the MSHCP states: "implementation of the MSHCP will result in cumulatively significant impacts on the Non-Covered Species because the issuance of incidental take permits will remove an impediment to development outside of the MSHCP Conservation Area. Non-Covered Species would receive little or no protection outside the reserves under existing ordinances and regulations."⁸⁵ In my opinion, the Project may contribute to cumulatively considerable impacts to Non-Covered Species, and those impacts would not be mitigated by the measures proposed by the City.

Many assumptions were incorporated into the MSHCP. The assumptions pertain to biological conditions (and relationships), development within the plan area, and actual implementation of the MSHCP. Some of the assumptions that were incorporated into the MSHCP have proven to be incorrect. For example, the MSHCP has been unsuccessful in the conservation of burrowing owls within the plan area.⁸⁶ This example highlights the flaws with the City's conclusion that the MSHCP will eliminate any potential for cumulative impacts.

Ultimately, the Project's contribution to cumulative impacts cannot be analyzed because the City has not identified the other projects within the cumulative effects analysis area. At a minimum, the City must identify the other projects may contribute to cumulatively considerable impacts to raptors, jurisdictional waters, the Northwestern San Diego pocket mouse, and other sensitive biological resources in the Project region.

MITIGATION MEASURES

The DEIR Fails to Establish Adequate Buffers to Mitigate Potentially Significant Impacts of Air Pollution on Wildlife

According to the DEIR, "[t]he most significant potential environmental impact on local wildlife (i.e., within the SJWA and Badlands) may be exposure to vehicular exhaust and especially diesel particulates and toxic air contaminants from truck exhaust as the WLCSP project builds out. New development will produce *significant amounts* of diesel-related air pollutants that will be released into the atmosphere, including gases and particles of various sizes."⁸⁷ Nevertheless, the City has concluded "[t]he 250-foot setback identified in Mitigation Measure 4.4.6.1A, and the presence of the CDFW Conservation Buffer Area, will effectively mitigate potential indirect impacts of air pollutants, including diesel particulate matter, on wildlife within the SJWA."⁸⁸

The DEIR fails to establish a monitoring and reporting program to ensure the proposed

⁸⁵ MSHCP, p. 5.1-7. [emphasis added].

⁸⁶ *Ibid*, Burrowing Owl Survey Report 2011. Available at: <http://www.wrc-rca.org/library.asp> See also Wilkerson RL and RB Siegel. 2010. Assessing changes in the distribution and abundance of burrowing owls in California, 1993-2007. Bird Populations 10: 1-36. (Attachment F).

⁸⁷ DEIR, Appendix E, p. 128. [emphasis added].

⁸⁸ *Ibid*, p. 4.4-72.

buffer mitigates the effects of air pollution on wildlife, vegetation, and aquatic resources. Moreover, information provided in the DEIR does not support the City's conclusion that a 400-foot buffer is sufficient to mitigate Project impacts to a less-than-significant level. Specifically, the DEIR cites research by the California Air Resources Board ("CARB") that indicates 80 percent of the particulates generally settle out of the atmosphere within 1,000 feet of the emission source.⁸⁹ Analyses by both the CARB and the South Coast Air Quality Management District indicate that providing a buffer of 1,000 feet would substantially reduce diesel PM concentrations and public exposure downwind of a distribution center.⁹⁰ Because wildlife may be more susceptible to air pollutant impacts than humans, one can infer that a buffer of at least 1,000 feet is needed to protect wildlife from air pollutants.⁹¹

22

The DEIR Lacks Adequate Mitigation for Project Impacts to Special-Status Plant Species

Mitigation proposed by the City for Project impacts to special-status plant species includes:

Prior to the approval of any Plot Plans for development within the project area, the applicant shall submit a biological assessment of the proposed development site prepared by a qualified biologist to identify if any of the following sensitive plants (i.e., Coulter's goldfields, smooth tarplant, or thread-leaved brodiaea) are present on the proposed development site. If plants are found in the proposed development area, they may be relocated to the 250-foot clear setback area outlined in the Specific Plan and discussed in Mitigation Measure 4.4.6.1A. Alternatively, an appropriate impact fee may be paid to the Western Riverside County Regional Conservation Authority (RCA) or other appropriate conservation organizations to offset for the loss of these species on the WLC project site.⁹²

23

The proposed measures do not ensure Project impacts to special-status plant species are mitigated to a less-than-significant level.

First, Coulter's goldfields, smooth tarplant, and thread-leaved brodiaea are MSHCP Group 3 species. As a result, if any of these species occur within a proposed development area, the City must require the project proponent to conform to the procedures listed in Section 6.3.2 in the MSHCP. Section 6.3.2 states: "[f]or locations with positive survey results, 90% of those portions of the property that provide for long-term conservation value for the identified species shall be avoided until it is demonstrated that conservation goals for the particular species are met."⁹³

Second, the special-status plant species with the potential to occur in the Project area are

⁸⁹ *Ibid*, p. 4.4-70.

⁹⁰ California Air Resources Board (CARB) and California Environmental Protection Agency (CEPA). 2005. Air Quality and Land Use Handbook: A Community Health Perspective. Available at: <http://www.arb.ca.gov/ch/landuse.htm>

⁹¹ DEIR, Appendix E, p. 129.

⁹² *Ibid*, pp. 4.4-74 and -75.

⁹³ MSHCP, Vol I, Section 6.3.2. Available at: <http://www.wrc-rca.org/library.asp>

not limited to the three species identified in the mitigation measure.⁹⁴ In accordance with CDFW guidelines, the City must require surveys that are floristic in nature, meaning that every plant taxon that occurs on site is identified to the taxonomic level necessary to determine rarity and listing status.⁹⁵

Third, the DEIR suggests mitigation may be limited to relocating plants to the buffer area. Although salvage and relocation have some merits as a last resort, it is generally not an effective means of mitigating impacts. Fiedler (1991) conducted a thorough review of mitigation-related transplantation, relocation and reintroduction attempts involving special-status plants in California.⁹⁶ The author reported only 8 of the 53 (15%) attempts reviewed in her study should be considered fully successful.⁹⁷ Although Fiedler reported several causes for the failed attempts, the common result was that the plants died. Unless the City can provide evidence that potentially impacted plants can be transplanted and/or propagated successfully, it must require fee payment to the Regional Conservation Authority.

Fourth, the City must identify the specific mitigation measure (or suite of potential measures) that will be required if a sensitive plant or animal species that is not covered under the MSHCP is detected within a proposed development area.

The DEIR Lacks Adequate Mitigation for Project Impacts to the Burrowing Owl

The conservation goals established in the MSHCP have not yet been met for the burrowing owl, and thus sites with burrowing owls appear to be subject to the provisions listed in Section 6.3.2 in the MSHCP.⁹⁸ Because the burrowing owl was recently (2012) detected on the Project site, the City needs to clarify whether the Project is subject to the provisions of MSHCP Section 6.3.2. If the Project is subject to those provisions, the City must identify how the Project will be capable of avoiding 90% of those portions of the site that provide for the long-term conservation value for the burrowing owl.

Burrowing owls have the potential to occupy the Project site prior to development.⁹⁹ The DEIR indicates “[t]his is a potentially significant impact requiring mitigation.”¹⁰⁰ However, it fails to define the impact(s) or provide any mitigation to offset the impact(s). Instead, it simply requires a pre-construction survey, establishment of buffer zones around active burrows, and the exclusion of owls from their burrows during the non-breeding season (which in itself is a potentially significant impact).

⁹⁴ *Ibid*, Table 4.4.D.

⁹⁵ CDFG. 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Available at:

http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html#Plants.

⁹⁶ Fiedler PL. 1991. Mitigation-related transplantation, relocation and reintroduction projects involving endangered and threatened, and rare plant species in California. Final Report. Available at: nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=3173.

⁹⁷ *Ibid*.

⁹⁸ MSHCP 2011 Annual Report, Table 25. Available at: <http://www.wrc-rca.org/library.asp>

⁹⁹ DEIR, p. 4.4-77.

¹⁰⁰ *Ibid*.

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Pre-construction Survey

The DEIR requires a pre-construction survey for burrowing owls no more than 30 days prior to initiation of ground-disturbing activities.¹⁰¹ This condition is not consistent with CDFW guidelines, which recommend an initial preconstruction survey within the 14 days prior to ground disturbance, followed by a subsequent survey within 24 hours prior to ground disturbance.¹⁰² As the CDFW's 2012 Staff Report acknowledges, "burrowing owls may re-colonize a site after only a few days."¹⁰³ As a result, a single pre-construction survey up to 30 days in advance of construction is insufficient to avoid and minimize take of burrowing owls.

The City must clarify that "take avoidance" (i.e., pre-construction) surveys for the burrowing owl are not a substitute for the four surveys required to assess Project impacts and formulate appropriate mitigation. The City must require the Applicant to conduct the protocol surveys described by CDFW, and the results of those surveys need to be released in a revised DEIR.¹⁰⁴

Buffers

The DEIR provides inconsistent information on the buffer distance required around active burrows (i.e., 250 feet or 500 feet).¹⁰⁵ Furthermore, the CDFW no longer uses the default standard of 250-foot buffers during the breeding season and 160-foot buffers during the non-breeding season. Instead, CDFW indicates that indirect impacts and appropriate mitigation should be determined through site-specific analyses that incorporate the wide variation in natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area.¹⁰⁶ CDFW guidelines indicate buffers may need to be up to 500 meters, depending on the level of disturbance.¹⁰⁷

Burrow Exclusion

In accordance with CDFW guidelines, burrowing owls should not be excluded from burrows unless or until the Applicant:

1. develops a Burrowing Owl Exclusion Plan that is approved by the CDFW;
2. secures off-site compensation habitat and constructs artificial burrows in close proximity (< 100 m) to the eviction sites;

¹⁰¹ *Ibid.*

¹⁰² CDFG. 2012. Staff Report on Burrowing Owl Mitigation. Available at: <www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf>, pp. 29-30.

¹⁰³ *Ibid.*, p. 30.

¹⁰⁴ *Ibid.*, Appendix D.

¹⁰⁵ DEIR, p. 4.4-79.

¹⁰⁶ CDFG. 2012 Mar 7. Staff Report on Burrowing Owl Mitigation. Available at: www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf. p. 12.

¹⁰⁷ *Ibid.*, p. 9.

3. mitigates the impacts of temporary exclusion according to the methods outlined by CDFW;
4. conducts site monitoring prior to, during, and after exclusion of burrowing owls from their burrows; and,
5. documents excluded burrowing owls using artificial or natural burrows on an adjoining mitigation site.¹⁰⁸

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Sincerely,



Scott Cashen, M.S.
Senior Biologist

¹⁰⁸ *Ibid*, pp. 10 and 11.

RESPONSES TO LETTER F-7C

Lozeau Drury LLP

Response to Comment F-7C-1. The commenter refers to project information that has now changed, the revised project will develop 40.6 million square feet of logistics warehousing rather than 41.6 million, the developable area of the World Logistics Center (WLC) Specific Plan (SP) is now 2,610 acres rather than 2,710 acres, and the total area of the project is now 3,818 acres rather than 3,918 acres. The commenter also provided information on his qualifications to submit comments on the Environmental Impact Report (EIR) regarding biological resources. The commenter should note that the biological studies for the WLC project have been revised in part in response to the many comments on the Draft Environmental Impact Report (DEIR) (specifically Responses to Comments in Letter A-6, B-3, F-1, F-4, F-5, F-7A, F-8, F-9B, F-10, F-11 and F-13). The revised biological reports are located in Appendix E Volume 2 of the Final Environmental Impact Report (FEIR).

Response to Comment F-7C-2. In response to comments regarding raptor foraging habitat refer to Response to Comment F-7A-52.

Response to Comment F-7C-3. In response to comments on the Draft Environmental Impact Report (DEIR) 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. 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. For additional information, refer to Response to Comment F-7A-26.

Response to Comment F-7C-4. The 2007 burrowing owl survey report was included in the DEIR as additional information to provide background information regarding burrowing owl. This survey was never considered applicable for the entire WLCSP. Surveys were limited to a specific development footprint, and did not incorporate the entire WLCSP. The updated 2013 protocol survey was consistent with the MSHCP survey requirements and was conducted on the entire WLCSP as well as off-site facilities. For additional information regarding this response, please see Response to Comment F-7C-3 above.

Response to Comment F-7C-5. 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.

Response to Comment F-7C-6. The sensitive plant survey conducted in 2010 was not limited to the three species that the project biologist determined had a moderate potential to occur within the project site. While the focus of the survey was on those three species, all sensitive plant species that were determined to have some potential to occur within the project site were included in the protocol survey. All areas that contain suitable habitat were inventoried to determine if any sensitive plant species occur within the WLCSP.

The use of a list of potentially occurring species, although not recommended by CDFW, allows the biologists to limit their search to those species that would likely occur within the project site. Many of the plant species that occur on the California Natural Diversity Database (CNDD) list of sensitive plant species that were recorded to occur within the vicinity of the project site are associated with aquatic habitats such as wetlands, vernal pools, or lake margins. The project site does not contain any of these types of habitats, so it would not be unreasonable to remove these species from a list of potentially occurring species, since the constituent habitat elements necessary for these species to occur within the WLCSP do not occur.

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 sensitive plant surveys meet the requirements as a complete protocol survey. However, additional focused plant surveys will be required on a project-by-project basis as each project 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 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 WLCSP 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

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Environmental Quality Act (CEQA) document is prepared as described in Mitigation Measure (MM) 4.4.6.1B.

Project related impacts to sensitive plants, if observed within the WLCSP 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.

Response to Comment F-7C-7. 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. 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. For additional information, refer to Response to Comment F-7A-27.

Response to Comment F-7C-8. Seven 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. For additional information, refer to Response to Comment F-7A-29.

Response to Comment F-7C-9. Eight San Diego desert woodrat were captured during the 2010 surveys and a single San Diego desert woodrat was caught during the 2013 surveys. Development of selected portions of the WLCSP will have an adverse effect on San Diego desert woodrat. The only place within the WLCSP that contains suitable habitat and is considered occupied for San Diego desert woodrat is within Drainage 9 south of Alessandro Boulevard and north of the existing gas pipeline and within the northern portion of Drainage 8, just north of Gilman Springs Road. San Diego desert woodrat is a covered species under the MSHCP, therefore mitigation for adverse effects on San Diego desert woodrat 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 as a project design feature.

Response to Comment F-7C-10. In response to comments regarding American badger refer to Response to Comment F-7A-31.

Response to Comment F-7C-11. In response to comments regarding western yellow bat refer to Response to Comment F-7A-32.

Response to Comment F-7C-12. In response to comments regarding Bell's sage sparrow refer to Response to Comment F-7A-33.

Response to Comment F-7C-13. In response to comments regarding grasshopper sparrow refer to Response to Comment F-7A-34.

Response to Comment F-7C-14. In response to comments regarding white-tailed kite refer to Response to Comment F-7A-35.

Response to Comment F-7C-15. In response to comments regarding ferruginous hawk and merlin refer to Response to Comment F-7A-36.

Response to Comment F-7C-16. The DEIR states that none of the drainage features are subject to CDFW Jurisdiction. An updated wetland delineation report was prepared to address concerns regarding regulatory agency jurisdiction over the drainage features within the WLCSP. The previous jurisdictional delineation assumed CDFW jurisdiction over a select portion of drainage features 7 and 9. It also assumed that since the drainage features were all isolated and not likely under United States Army Corps of Engineers (USACE) jurisdiction that the drainage features were also not under (Regional Water Quality Control Board (RWQCB) jurisdiction.

All identifiable and potentially jurisdictional drainages on the site were mapped and included in the DEIR and the draft wetland delineation (FCS-MBA 2013 - FEIR Volume 2, Appendix E-13). Currently regulatory jurisdiction of the features is based on the existing regulatory guidance including the 1987 Regional Supplement to the USACE Wetland Delineation manual: Arid West Region and Rapanos guidance. Prior to any future development, specific project proposals will have to undergo separate environmental review under CEQA and will be required to secure a formal jurisdictional determination from the USACE as well as jurisdictional determinations from the RWQCB and CDFW.

The applicant shall secure a jurisdictional determination with the USACE and confirm with the RWQCB and CDFW if drainage features mapped on the property are subject to jurisdictional authority and protection. If the features are subject to regulatory protection, the applicant will secure permit approvals with the appropriate agencies prior to initiation of construction. Jurisdictional features will be avoided and unavoidable impacts will be mitigated through the construction of compensatory wetland construction. Compensatory wetland mitigation will be provided at a minimum of 1:1 replacement ratio to ensure no net loss of wetlands or aquatic resources. Wetland mitigation will be provided concurrent to or prior to impacts. A Compensatory Mitigation Plan will be prepared for all unavoidable impacts and will be consistent with the USACE/United States Environmental Protection Agency (USEPA)'s "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule and the USACE's Standard Operating Procedure for Determination of Mitigation Ratios."

The updated jurisdictional delineation report assumes CDFW jurisdiction over the entire length of Drainages 7, 8, 9, 12, and 15. In addition these areas are also under the jurisdiction of the RWQCB. It is estimated that no more than 5.0 acres of streambed are under CDFW and RWQCB jurisdiction. It should also be noted that Drainages 12 and 15 are both hydrologically connected to downstream waters of the United States and are therefore under the USACE jurisdiction as well. Exact mitigation requirements will be negotiated at the time of permit acquisition.

Response to Comment F-7C-17. In support of the DEIR, FCS-MBA biologists conducted biological resource field surveys for the WLCSP and additional areas to provide information on potential indirect impacts. Biological surveys were conducted between 2005 and 2013, which is more than sufficient to provide base-line information within the WLCSP. The main focus was on sensitive habitats and any areas with the potential to support sensitive flora or fauna species. In addition, FCS-MBA biologists conducted focused surveys for burrowing owl, Los Angeles pocket mouse (LAPM), and a comprehensive sensitive plant survey. A delineation of jurisdictional waters and wetlands was also conducted. Table F-7C.A below summarizes the survey dates, the type of survey, and FCS-MBA lead

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

staff. Information on where the surveys were performed as the project evolved through time is presented in Exhibit 5 of the MSHCP Consistency Analysis (FCS 2013, FEIR Volume 2, Appendix E-1). In addition, FCS-MBA contacted Resource Conservation Authority (RCA) staff to obtain recorded occurrence data for sensitive plant and wildlife species observed within and adjacent to the San Jacinto Wildlife Area (SJWA).

Table F-7C.A: Summary of Survey Types, Dates, Locations, and Staff

Report Year	Field Survey Date(s)	Survey	Parcel Name	Staff
2005	May 10, 20, 23 Aug 29	Biological Resource Assessment Survey	Bel Lago	S. Crawford
2005	May 10	MSHCP Habitat Assessment	Bel Lago	S. Crawford
2005	May 10, 20, 23 Aug 29	Burrowing Owl Focused Surveys	Bel Lago	S. Crawford
2005	May 10, Aug 29	Jurisdictional Delineation Riparian/Riverine and Vernal Pool Habitat	Bel Lago	S. Crawford
2005	August 21 through 26	Los Angeles Pocket Mouse Focused Surveys	Bel Lago	K. Rios
2006	August 16, 26	MSHCP Habitat Assessment	Tentative Tract Map 34848 (Bel Lago South)	M. Romich J. Hickman S. Hongola
2006	August 16, 17, 19, 22	Burrowing Owl Focused Surveys	Tentative Tract Map 34848 (Bel Lago South)	M. Romich J. Hickman S. Hongola
2007	May 1, 2, 3, 4	Burrowing Owl Focused Surveys	Highland Fairview Corporate Park Property	S. Crawford K. Workman S. Hongola K. Osmundson
2007	May 10	Jurisdictional Delineation Riparian/Riverine and Vernal Pool Habitat	Highland Fairview Corporate Park Property - Logistics Building Area	K. Osmundson
2007	September 18	Jurisdictional Delineation Riparian/Riverine and Vernal Pool Habitat	Highland Fairview Corporate Park Property	T. Mullen
2007	May 15 July 19	MSHCP Habitat Assessment	Highland Fairview Corporate Park Properties	K. Lord
2007	May 15-18, 22-24, 30-31, June 1, 5-7, 12-14, 19-20, 26, July 3, 6, 11, 12	Burrowing Owl Focused Surveys	Highland Fairview Properties	S. Crawford
2007	September 27 2006	MSHCP Habitat Assessment	398-Acre Anderson Property	K. Workman S. Hongola
2007	August 15, 16, 22, 23 2006	Burrowing Owl Focused Survey	398-Acre Anderson Property	K. Workman K. Osmundson
2008	January 10	MSHCP Habitat Assessment	Highland Fairview Properties	K. Lord

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table F-7C.A: Summary of Survey Types, Dates, Locations, and Staff

Report Year	Field Survey Date(s)	Survey	Parcel Name	Staff
2010	June 9, 10, 11, 16, 22, 23, 24	Sensitive Plant Surveys	Highland Specific Plan	S. Crawford
2010	June 9 through 24	Burrowing Owl Focused Surveys	Highland Specific Plan	S. Crawford
2010	June 27, 28, 29, 30, Jul 1, 2	Los Angeles Pocket Mouse Focused Surveys	Highland Specific Plan	K. Rios
2011	October 24	MSHCP Habitat Assessment	Highland Specific Plan	S. Crawford D. Hameister
2012	March 16	Delineation of Jurisdictional Waters and Wetlands	WLCSP	S. Crawford
2012	June 28, July 5, 6 and 9	Burrowing Owl Focused Surveys	WLCSP	T. Molioo D. Lloyd D. Hameister
2012	July 1-6	Los Angeles Pocket Mouse Focused Surveys	WLCSP	K. Rios
2013	June 13, 20, 21, 27, July 3, 7, and 9	Burrowing Owl Focused Surveys	WLCSP	D. Hameister T. Molioo S. Crawford Z. Ziade L. Westmoreland C. Lytle
2013	July 8-11	Los Angeles Pocket Mouse Focused Surveys	WLCSP	K. Rios S. Crawford

Response to Comment F-7C-18. In response to comments, new protocol surveys for burrowing owl were conducted in 2013. A single breeding pair of burrowing owls was observed during the survey. Since a breeding pair of burrowing owl is known to occur within a non-criteria cell area of the MSHCP, conservation of this pair is not required under MSHCP requirements. To minimize impacts to this species, passive relocation will be required if owls are observed on-site during a 30-day preconstruction survey. Project related impacts could cause an adverse impact. MM 4.4.6.4B may be required if owls are determined to be present within a project specific area 30-days prior to project construction.

Passive relocation will be consistent with the CDFW guidelines. One-way trap doors will be installed at the burrow entrance and left in place for several days. Once the burrows are unoccupied, they can be collapsed to reduce the number of available burrows owls may use for relocation. Since no evidence of burrowing owl was observed within the northern portion of the SJWA, relocation of owls to the southern portion of the WLCSP will not cause an overcrowding of this species. Artificial burrows will be created in the 250-foot buffer area to provide suitable nesting burrows.

There is more than enough area to relocate a single pair of burrowing owl within the 250-foot buffer area. Based on CDFW background information, threats to burrowing owl will include large raptors from the SJWA, feral dogs, coyote, and active disking for the agricultural fields. Many of these threats

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

such as feral dogs and active diskings will be eliminated following project build-out, thus reducing the potential threats to this species.

Response to Comment F-7C-19. The DEIR generally discusses raptor foraging habitat, but does not provide a detailed discussion of the raptor foraging habitat and does not provide a sufficient analysis to assess whether the loss of raptor foraging habitat within the WLCSP is considered significant. Although a raptor foraging study was not conducted within the WLCSP area, it should be noted that general biological resource usage of the WLCSP area is based on the 8 years of surveys within the WLCSP area. See Response to Comment F-7C-2 for additional information regarding this response.

Response to Comment F-7C-20. In response to comments regarding focused protocol surveys for sensitive plants, LAPM, and burrowing owl refer to Response to Comment F-7A-53.

Response to Comment F-7C-21. In response to comments regarding focused cumulative impacts refer to Response to Comment F-7A-64.

Response to Comment F-7C-22. The commenter believes a 1,000-foot wide buffer of non-industrial land uses is needed for the west side of the project, and then it is consistent with Policy 2.5.2. The City's Municipal Code Section -9.05.040B (9) requires only a 250-foot setback between residential and industrial uses. Therefore, there is no need for a 1,000-foot wide buffer of non-industrial land uses to be consistent with Policy 2.5.2. In addition, a buffer analysis indicates that a 1,000-foot buffer does not substantially reduce the impact (please refer to Master Response 4).

Response to Comment F-7C-23. The mitigation proposed for the WLCSP does not ensure that special-status plant species are mitigated to a less than significant level. Based on the MSHCP requirements, no portions of the WLCSP require sensitive plant surveys based on the required survey areas for both Narrow-Endemic Plants Species as well as Cell Criteria Species. Therefore, focused plant surveys are only required within suitable habitat for those sensitive plant species that are not covered under or are conditionally covered under the MSHCP. Any future plant surveys will not limit the search to four plants listed below, but will be in accordance to CDFW guidelines as described in MM 4.4.6.1B.

Project related impacts to thread-leaved brodiaea, smooth tarplant, Coulter's goldfields, and slender-horned spine flower are covered under the MSHCP under Group d, which indicates that surveys may be required for these species within Criteria Areas as described in Section 6.3.2 of the MSHCP. Payment of the MSHCP fee will fully mitigate project related impacts to these species.

Under MSHCP guidelines impacts to Plummer's mariposa lily and Parry's spineflower, are conditionally covered and require 90 percent conservation of suitable habitat, if observed within the project site, until the conservation goal for these species is met. Based on previous surveys, these plants are not present within the project site. Since the development of the WLCSP will be spread out over 15 years, updated focused surveys for sensitive plants will be required on a project-by-project basis and is included as MM 4.4.6.1B.

Protocol level sensitive plant surveys will not be limited to Coulter's goldfields, smooth tarplant, and thread-leaved brodiaea, but will include all sensitive species with a moderate to high potential to occur within the project site, which also includes slender-horned spine flower, Plummer's mariposa lily, Parry's spineflower, Robinson's peppergrass, and San Bernardino aster.

Due to the disturbed nature of the project site, impacts to Robinson's peppergrass and San Bernardino aster will not be considered a significant impact unless the WLCSP will impact a large enough population of either of these plants that the loss would reduce the regional population to a less than self-sustaining level. Project-related impacts to a few sensitive plant individuals is an adverse, but less than significant level. Relocation of a few plant species, although not a

recommended means of mitigation, will be used as a last resort to salvage and relocate Robinson's peppergrass and San Bernardino aster to the 250-foot buffer area, if present within the WLCSP. No other mitigation measures are necessary because there are no sensitive plant species within the WLCSP that would result in a significant impact.

Response to Comment F-7C-24. In response to comments regarding burrowing owl, refer to Response to Comment F-7A-56.

Response to Comment Appendix 1. The appendix was directly referenced in the comment letter. It is assumed that the appendix is intended to provide personal qualifications and references for Scott Cashen, the commenter. Based on a review of the resume, Mr. Cashen is an experienced biologist in northern California with a focus on renewable energy projects. He also provides litigation and expert witness support to his clients. Mr. Cashen does not have experience with the Western Riverside County MSHCP. The information was considered in preparing the response to comments.

Response to Comment Appendix 2. This appendix was directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information with regard to raptor usage in the area. The raptor study was conducted by vehicle over several months. The project biologist does not refute the information that is contained within the document and it provides some general information with regard to the number of raptors that are known to occur in the area. It does not account for multiple observations of the same bird over a period of time. This information is useful for species diversity, but does not go into detail with regard to the total number of individuals that utilize the area. The information was considered in preparing the response to comments.

Response to Appendix 3 (Roadside Raptor Surveys of SAR Watershed). This appendix was directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information with regard to raptor usage in the region. The raptor study was conducted by vehicle over several years within a portion of the Santa Ana River Watershed in both Riverside and San Bernardino Counties. It appears to be an executive summary and does not contain a detailed description of methods or survey locations. Similar to the information mentioned above, the document provides general information with regard to the number of raptors that are known to occur in the Santa Ana River Watershed. It does not account for multiple observations of the same bird over a period of time. This information is useful for species diversity, but does not go into detail with regard to the total number of individuals that utilize the area. The information was considered in preparing the response to comments.

Response to Appendix 4 (The Biodiversity of Open Space Grasslands at a Suburban/Agricultural Interface by Mark E. Beny, Carl E. Bock, and Sandra L). This appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Urban/Wildlands Interface. The information was considered in preparing the response to comments.

Response to Appendix 5 (The Translocation as a species Conservation Tool: Status and Strategy by Brad Griffith, Michael Scott, James Carpenter and Christine Reed). This appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to relocating sensitive species as a conservation tool. The information was considered in preparing the response to comments.

Response to Appendix 6 (The Burrowing Owls and Development: Short-Distance Nest Burrow Relocation to Minimize Construction Impacts). This appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to relocation of burrowing owls. The information was considered in preparing the response to comments.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Appendix 7 (Assessing Changes in the Distribution and Abundance of Burrowing Owls in California, 1993-2007). This appendix was directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the changes in burrowing owl populations and recommend conservation measures to improve burrowing owl populations. This letter does not take into consideration conservation that has been implemented through the MSHCP. This information was considered in preparing the response to comments.

Response to Appendix 8 (Review of the Agricultural Elements of the World Logistics Center Project). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to potential agricultural resource impacts from the WLC.

Response to Appendix 9 (Qualifications of Gregory A. House). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide the qualifications and references of Gregory A. House, agricultural consultant.

Response to Appendix 10 (Moreno Valley Economic Development Summary). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the economic development summary for Moreno Valley from March 2013.

Response to Appendix 11. The commenter provided “Addressing Climate Change at the Project Level, California Attorney General’s Office.” See Response to Comment F-1-66 which identifies the feasibility for each of the suggested greenhouse gas measures listed by the Attorney General.

Letter F-8: Shute, Mihaly & Weinberger LLP (April 8, 2013)

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April 8, 2013

Via E-mail

John Terell, Planning Official
City of Moreno Valley
Community and Economic Development
Department, Planning Division
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Re: World Logistics Center Project Draft Environmental Impact Report
(SCH #2012021045)

Dear Mr. Terell:

This firm represents the Friends of the Northern San Jacinto Valley with respect to the proposed World Logistics Center Project ("WLC" or "Project"). We respectfully submit this letter to present comments on the Draft Environmental Impact Report ("DEIR") circulated by the City of Moreno Valley for the proposed Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*

The Project as proposed and described in the DEIR is enormous. Highland Fairview, the applicant, proposes to build more than 41 million square feet of warehouse and associated uses on over 2,700 acres of land. The new users of the site would overwhelm the area's roadways, in violation of the City's General Plan, and the Project itself would require extensive on- and off-site infrastructure and utilities. Through this approval, Highland Fairview seeks specific vested rights to build this particular project at this specific density.

Yet, due to the City's decision to prepare a programmatic EIR for the Project, critical details of the Project and its related infrastructure remain entirely

undefined. In many instances, the DEIR improperly defers both analysis and mitigation of the Project's impacts to some future, post-approval date. For example, the DEIR fails to provide crucial information relating to the extensive network of storm water infrastructure that would be needed to adequately handle increased storm water flows. This deferral is particularly problematic given the nature of the Project site, which has a history of poor drainage and localized flooding. The DEIR also asserts that the Project can be designed to avoid impacts to scenic viewsheds from State Route 60, but defers determining how the 41 million square feet of high-cube buildings can actually be arranged to accommodate these views.

2

3

The overly simplified nature of this programmatic EIR and its deficient impact analyses and mitigation measures undermine the very purpose of CEQA. As the Supreme Court has explained, the EIR is "the heart of CEQA." *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392 ("*Laurel Heights I*") (citations omitted).

[It] is an environmental "alarm bell" whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." Because the EIR must be certified or rejected by public officials, it is a document of accountability.

4

Id. (citations omitted).

Where the environmental document fails to fully inform decision makers and the public of the environmental consequences of the proposed actions, it does not satisfy the basic goals of CEQA. "The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." Pub. Res. Code § 21061. The DEIR here fails to fulfill this purpose.

5

For all the reasons set forth below, it is our opinion that the DEIR does not comply with the requirements of CEQA. The City must revise and recirculate the DEIR to provide the public an accurate assessment of the environmental issues at stake, and a mitigation strategy—developed *before* project approval—that fully addresses the

6

Project's significant impacts. The City must also take a serious look at alternatives that can avoid or lessen the Project's significant impacts, rather than designing straw-man alternatives to make this particular Project seem like the only possible choice.

6

Finally, 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 to the General Plan, these amendments would likely 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, Gov't Code § 65000 *et seq.*, and the Subdivision Map Act, Gov't Code §§ 66473.5, 66474.

7

I. THE PROJECT VIOLATES THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

A. The City's Reliance on a Programmatic EIR Is Unlawful Because the Project Includes Vested Rights to Develop.

From the outset, the DEIR establishes that it will offer a "programmatic" review of the WLC. DEIR at 1-1 ("It is important to note that, even though this project has a Specific Plan, it does not have a site plan showing actual building locations, so the EIR will be programmatic rather than project level."); DEIR at 2-3. For that reason, the DEIR repeatedly defers analysis of environmental impacts and the development of mitigation and alternatives to a later time. The City avers this analysis will occur once the development plans are more specific. This approach violates the core tenant of CEQA: environmental impacts of a project are to be studied and disclosed at the earliest possible time.

8

"The most common type of EIR" is the "project EIR," which "examines the environmental impacts of a specific development project." CEQA Guidelines § 15161.¹ By contrast, programmatic EIRs are "designed for analyzing program-wide effects, broad policy alternatives and mitigation measures, cumulative impacts and basic policy considerations, as opposed to specific projects within the program." *Friends of*

9

¹ The CEQA Guidelines, Cal. Code Regs., tit. 14 § 15000 *et seq.*, are referred to herein as "CEQA Guidelines." The courts generally accord the Guidelines "great weight." *Laurel Heights I*, 47 Cal.3d at 391, fn. 2.

Mammoth v. Town of Mammoth Lakes Redevelopment Agency (2000) 82 Cal.App.4th 511, 533-34; CEQA Guidelines § 15168(c). Programmatic EIRs frequently serve as “first-tier” documents, whereby review for future specific projects relies in part on the analysis contained in the programmatic EIR. The City asserts that it will use the programmatic EIR as a first-tier EIR in this instance. DEIR at 3-27 (“This programmatic EIR provides a streamlined environmental review process for future development projects in the WLC Specific Plan area, including site-specific subdivisions and development entitlements that are consistent with the overall plan.”); *id.* at 3-75.

CEQA, however, permits the use of programmatic environmental review documents only in certain limited circumstances. In particular, programmatic EIRs—and later tiering—are permitted only when a lead agency considers a wide-ranging set of policies or an over-arching land use plan. *See, e.g., Al Larson Boat Shop, Inc. v. Board of Harbor Comrs.* (1993) 18 Cal.App.4th 729, 740 (noting the appropriateness of using a first-tier EIR for the adoption of a general plan “which is by its nature tentative and subject to change”); Pub. Res. Code § 21068.5 (tiering is available from a first-level document that reviews a “policy, plan, program or ordinance”); CEQA Guidelines §§ 15152(c), 15168. Programmatic EIRs have been upheld for such programs as a statewide water management plan (*In re Bay Delta Programmatic Environmental Impact Report Consolidated Proceedings* (2008) 43 Cal.4th 1143) and a major port expansion project (*Al Larson Boat Shop*, 18 Cal.App.4th at 740). This use of a programmatic EIR makes practical sense: it allows a lead agency to weigh the pros and cons of a general policy choice before proceeding to make site-specific decisions.

The CEQA Guidelines, however, caution that “[t]iering 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.” CEQA Guidelines § 15152(b). Consequently, when an agency commits to a course of action by issuing binding approvals for a specific project, the use of a programmatic EIR and its generalized and deferred analysis are unlawful. *Id.* § 15152(c) (prohibiting the use of tiering to “prevent adequate identification of significant effects of the planning approval at hand”); *In re Bay Delta Programmatic Environmental Impact Report Consolidated Proceedings*, 43 Cal.4th at 1171 (distinguishing a statewide water management program, an appropriate subject of a programmatic EIR, from projects involving “proposed commercial land developments . . . on identified sites”).

In *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, the California Court of Appeal struck down the use of a first-tier EIR for a project analogous to the one under review by the City. In that case, Stanislaus County approved a private developer’s proposal to build a “destination resort and

residential community” that featured golf courses, sports facilities, and 5,000 residential units. *Id.* at 186. For its approval, the county prepared a “first-tier EIR” that, like this DEIR, explicitly deferred important aspects of environmental review to a later document. *Id.* at 197-98.

The Court of Appeal firmly rejected this approach: “[T]iering is not a device for deferring the identification of significant environmental impacts that the adoption of a specific plan can be expected to cause.” *Id.* at 199. Instead, because the county “adopted a specific plan calling for construction of [specific] facilities and of other particularly described facets of the [proposed resort]” (*id.* at 203), it had to prepare a project-level EIR. The court took particular issue with the project’s commitment to (1) “the specific sites for future development,” (2) “the timing of construction” and (3) “what structures the future development will consist of.” *Id.* at 204.

All three factors counsel in favor of a project EIR in this instance. The City is proposing to approve not only General Plan amendments, which alone might warrant a programmatic EIR, but also a Specific Plan, a Tentative Parcel Map, and a Development Agreement. DEIR at 3-25; 3-65, 3-74. The public has yet to be informed regarding the contents of the Development Agreement or the location or size of the parcels to be subdivided, but these activities will vest certain specific rights and entitlements with the developer, should the City approve the Project as proposed. Given the importance of these documents, the City must release this information to the public and provide additional time for review and comment. Pub. Res. Code § 21092(b)(1).

Regardless of the specifics, once a development agreement is approved, a public agency “shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement,” even if the project requires further discretionary approvals. Gov. Code § 65865.2; *see also Citizens for Responsible Government v. City of Albany* (1997) 56 Cal.App.4th 1199, 1214-15 (development agreement creates vested rights in the form of an “entitlement for use”); DEIR at 3-74 (noting that the development agreement will “provide certainty for the future development of the project for those parcels owned by Highland Fairview”). If the agency breaches a development agreement, it may be subject to damages. *See Mammoth Lakes Land Acquisition, LLC v. Town of Mammoth Lakes* (2010) 191 Cal.App.4th 435, 443-47, 476 (developer awarded \$30 million for town’s anticipatory breach of development agreement).

Moreover, a city cannot later impose new standards or conditions on an approved vesting tentative map that were not in place at the time the application was deemed complete. *Bright Development Co. v. City of Tracy* (1993) 20 Cal.App.4th 783,

788. The DEIR's efforts to characterize the tentative parcel map as a mere technicality are ill-founded. DEIR at 3-25 ("A Tentative Parcel Map is being processed to subdivide 1,539 acres of the project for financing purposes only. . . . Approval of the map will confer no development rights to the property."). The Subdivision Map Act provides no mechanism for dividing land for a limited purpose such as financing. Instead, all resulting parcels can be sold, financed, or developed separately. A subdivision map is, by definition, a land use entitlement, not a financing mechanism. *See* Gov't Code § 66424 (defining "subdivision" as "the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof . . ."). We have located no law suggesting that a subdivision, even if created for the purpose of financing, is not a land use entitlement that could lead to development. The revised DEIR must clarify the legal import of this subdivision map.

14

Given these specific land use entitlements, the City's use of a programmatic EIR for the Project is entirely inappropriate. The City must instead employ a project EIR in order to meet CEQA's core mandate: to conduct a full environmental analysis at the time of a project's earliest approval. *See, e.g., Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 134.

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The City's programmatic approach creates errors throughout the document. Some examples include:

- The DEIR's failure to produce visual renderings of the Project. DEIR at 1-9 (Mitigation Measure 4.1.6.1B).
- The DEIR's failure to conduct a glare analysis for solar panels, despite the Specific Plan's requirement for a "maximize[d] [] use" of roof-mounted solar systems. DEIR at 1-9 (Mitigation Measure 4.1.6.4B); *id.*, App. H at 10.
- The DEIR's failure to conduct surveys or analysis for sensitive plant species, the L.A. Pocket Mouse, and other biological resources. *E.g.*, DEIR at 1-14 (Mitigation Measure 4.4.6.2A), *id.* at 1-15 (Mitigation Measure 4.4.6.4E).
- The DEIR's failure to conduct a jurisdictional delineation of wetlands. DEIR at 1-14 (Mitigation Measure 4.4.6.3A).
- The DEIR's failure to conduct a geotechnical fault study. DEIR at 1-19 (Mitigation Measure 4.6.6.1A, B).
- The DEIR's failure to conduct grading and drainage studies. DEIR at 1-38 (Mitigation Measure 4.16.1.6.2A).

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- The DEIR's failure to develop air pollution control measures. DEIR at 1-11 to 12 (Mitigation Measure 4.3.6.2A).

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These errors are only compounded by others detailed elsewhere in this letter.

The very real problem created by the use of a programmatic EIR in this instance will become evident only after this phase of the development is approved. Highland Fairview is seeking specific vested rights through the Development Agreement and Tentative Parcel Map. Once these approvals are granted, it is impossible to undo them. *See, e.g., Citizens for Responsible Government*, 56 Cal.App.4th at 1223 (“[T]he purpose of a development agreement is to provide developers with assurance that they can complete the project. After entering into the development agreement . . . the City is not free to consider the wisdom of the project in light of environmental effects.”). Yet the DEIR is proposing to defer analysis of significant environmental effects and the development of necessary mitigation measures off into the future. Granting these approvals for a specific project at a guaranteed density now, before adequate CEQA analysis has been completed, contravenes CEQA's primary goal: to study the environmental impacts of an action *before* making a binding decision. *Laurel Heights I*, 47 Cal.3d at 392.

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The DEIR must be revised as a project EIR, a document that will thoroughly analyze the impacts of the entitlements granted the developer, and identify appropriate mitigation measures and alternatives. Without a properly detailed level of analysis, the City cannot include the Specific Plan, Development Agreement, or Tentative Parcel Map as part of its approvals.

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B. The DEIR's Project Description is Inadequate.

Even though the City proposes to grant specific vested rights to the applicant via this approval, the DEIR's project description fails to provide a complete picture of the entire Project. In order for an EIR to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. “An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a “truncated project concept” violates CEQA and mandates the conclusion that the lead agency did not proceed in the manner required by law. *San Joaquin Raptor/Wildlife Rescue Center*, 27 Cal.App.4th at 729-30. Further, “[a]n accurate project description is necessary for an

24

intelligent evaluation of the potential environmental effects of a proposed activity.” *Id.* at 730 (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. Here, the DEIR for the WLC Project does not come close to meeting this established legal standard.

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In practical terms, the WLC is a plan to erect more than 41 million square feet of warehouses and warehousing-related uses in the middle of what are now mostly agricultural lands in the City of Moreno Valley. Because of the scale and the timing of the Project—it is slated to be developed over a period of 10 years—the DEIR has a lot of ground to cover. There may be further discretionary approvals down the road, but this EIR and the approvals it informs are the only opportunity for decision makers and the public to understand and weigh in on the “big-picture” questions that will determine what kind of Project will be created in their midst, or whether this massive Project should be created at all.

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1. Construction Phasing and Infrastructure Improvements Are Undefined.

Despite proposing to provide Highland Fairview with certain vested rights, the DEIR fails to contain fundamental information relating to the phasing and timing of the Project’s development and infrastructure. The document states that the Project will be built over the next ten years, absorbing approximately four million square feet of development each year, depending on market conditions. DEIR at 3-65. The DEIR does not, however, provide any evidence that this phasing timeline is realistic. Other than estimating that construction is estimated to take ten years, the DEIR lacks any substantive description of how or when this massive Project would actually be implemented. Details of construction are critical to understanding the impacts of the Project and to designing appropriate mitigation, yet the DEIR lacks the necessary description of this critical Project component. The revised DEIR must describe the overall plan for construction of this Project.

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Fundamental details pertaining to the infrastructure and public services necessary to serve the Project are also deferred until later, remaining unplanned and therefore unresolved. In a development of this size and duration, public and private improvements must be developed in a logical and viable sequence; infrastructure needs to be in place prior to demand for new development. Because the DEIR contains no documentation, let alone evidence, that development would be efficiently linked to necessary infrastructure, it violates CEQA. Courts have made it abundantly clear that infrastructure improvements that are integral to a project must be analyzed in an EIR.

San Joaquin Raptor/Wildlife Rescue Center, 27 Cal.App.4th 713; *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 830.

What little detail exists in the DEIR regarding infrastructure components such as water and wastewater service, flood control, and drainage and electrical service is given such cursory treatment that the public and decision-makers are left in the dark as to how the development would actually function. Although the DEIR contains diagrams of the water, wastewater, and drainage systems (Figures 3.13, 3.14, 3.15), these graphics simply depict the location and tentative size of utility lines. The description of the storm water drainage system, for example, amounts to nothing more than self-evident ruminations that a drainage system will be constructed. *See* DEIR at 1-54 (stating “[p]rior to issuance of any development permit within the Specific Plan area, the developer shall place detention basin(s) and spreading area(s) as appropriate within each proposed watershed).

In addition, as the report from Tom Brohard & Associates explains, the Project would result in a substantial increase in traffic congestion, yet the DEIR provides no assurance that the many needed improvements to local and regional roadways would keep pace with development.² In fact, the DEIR concedes that area roadways will operate under gridlock conditions during every phase of development and upon buildout. *Id.* at 1-32 to 1-35 (finding traffic impacts to be significant and unavoidable).

The Project would also require construction of a number of off-site infrastructure improvements, including debris basins and water reservoirs, covering more than 100 acres of land adjacent to the Project site. *Id.* at 3-19. Yet, the DEIR omits critical details associated with these improvements, such as their specific location or design. For example, while the DEIR states the Project will require the construction of three new off-site reservoirs (*id.* at 3-45, 61, 4.16-14), the details pertaining to these reservoirs are never identified. Nor is there any indication that the DEIR has analyzed the environmental effects associated with the construction of these facilities.

As described above, given that the City intends to use this EIR to support subdivision maps and a Development Agreement, the DEIR cannot put off analysis of necessary infrastructure planning. The public and decision makers must know now whether it is possible to develop infrastructure that is able to accommodate the density

² This report is submitted under separate cover.

that the City intends to guarantee to the applicant. The revised EIR must contain a description and analysis of these integral aspects of the Project.

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2. The DEIR Does Not Identify General Plan Amendments Needed to Implement the Proposed Project.

The vagueness of the DEIR's description of the Project creates all sorts of analytical problems, including making it impossible to determine the Project's consistency with the City of Moreno Valley General Plan or to analyze the Project's land use impacts. The Project requires amendments to the General Plan's Goals and Objectives, as well as to several General Plan elements, including to the Community Development; Circulation; Parks, Recreation and Open Space; Safety; and Conservation elements. *Id.* at 3-25, 4.10-1. Amazingly, however, the DEIR fails to identify the *content* of these amendments or explain how they would relate to the existing General Plan. The scant explanation that is provided is entirely vague (e.g., "revise land use map," and "revise discussion on flood hazards" (*id.* at 3-71 and 3-72)). With respect to the transportation and circulation improvements, for example, the DEIR asserts that a revised General Plan Circulation Element will provide for the movement of vehicles in and around the WLC area. *Id.* at 3-33. Yet, the DEIR does not include the text of this "revised Circulation Element" or even bother to describe it in general terms.

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As discussed below, the Project would be inconsistent with numerous provisions of the General Plan. Yet, because the DEIR does not identify the specific amendments to the General Plan, the public and decision makers have no idea whether it is even possible to rectify all of the General Plan inconsistencies, while ensuring the integrity of the Plan. Some of the amendments may result in environmental impacts, while other amendments may result in internal inconsistencies within Plan. The environmental impacts and planning inconsistencies arising from these amendments are indirect impacts of the Project. Under CEQA, they must be identified, analyzed, and mitigated now; they cannot wait until after approval of the Project.

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C. The DEIR's Analysis of and Mitigation for the Impacts of the Proposed Project Are Inadequate.

The discussion of a proposed project's environmental impacts is at the core of an EIR. *See* CEQA Guidelines § 15126.2(a) ("[a]n EIR shall identify and focus on the significant environmental effects of the proposed project"). An EIR must effectuate the fundamental purpose of CEQA: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123

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(“*Laurel Heights II*”). To do so, an EIR must contain facts and analysis, not just an agency’s bare conclusions. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568.

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An EIR must also identify feasible mitigation measures to minimize significant environmental impacts. CEQA Guidelines § 15126.4. 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. California courts have made clear that an EIR is inadequate if it fails to suggest feasible mitigation measures, or if the proposed mitigation measures are so undefined that it is impossible to evaluate their effectiveness. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79.

34

As explained below, the EIR’s environmental impacts analysis is deficient under CEQA because it fails to provide the necessary facts and analysis to allow the City and the public to make informed decisions about the WLC Project and its environmental impacts. The DEIR also impermissibly defers analysis and the development of mitigation until after Project approval—clear violations of CEQA. Finally, the conclusions drawn in the DEIR regarding the significance of Project impacts and the adequacy and efficacy of mitigation are not supported by evidence. For all of these reasons, the DEIR is inadequate under CEQA.

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1. The DEIR Fails to Adequately Analyze and Mitigate the Project’s Hydrological Impacts.

Insufficient drainage on and around the Project site currently causes localized flooding. The proposed Project would result in a substantial increase in the amount of impervious surfaces. Consequently, the post-development flow volumes that will be generated on site are anticipated to be substantially higher than the pre-development flows. DEIR at 4.9-28, 29. At the same time, the Project would substantially alter the existing drainage pattern of the site and area. This additional runoff volume and velocity, reduced infiltration, and increased flow frequency and duration have the potential to exceed the capacity of existing or planned storm water drainage systems. Notwithstanding these facts, the DEIR fails to accurately describe the existing drainage and flooding problems, fails to adequately analyze the Project’s potential to exacerbate these problems, and fails to identify enforceable mitigation for these impacts.

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(a) The DEIR Fails to Describe the Project's Hydrological Setting.

CEQA requires that an initial study contain “an identification of the environmental setting.” CEQA Guidelines § 15063(d)(2). “Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that [a CEQA document] adequately investigated and discussed the environmental impacts” of the Project. *San Joaquin Raptor/Wildlife Rescue Center*, 27 Cal.App.4th at 729.

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The DEIR generally concedes that the Project site and vicinity suffer from poor drainage and localized flooding. Members of the public have also expressed concerns regarding the Project's effects on local drainage, especially in locations that currently experience historic localized flooding. DEIR at 4.9-8. Drainage from east of Gilman Springs Road has been an on-going problem as it flows southwest and south out of the Badlands and under Gilman Springs Road through corrugated steel pipe culverts. These culverts are relatively small, and during times of high flow, runoff often causes repeated localized flooding along the roadway. *Id.* at 3-51. Despite recognizing this problem, the DEIR fails to describe these flooding incidents. Where does this flooding occur, and how often? How extensive is the flooding? What properties, if any, have been affected? What measures, if any, have been taken to control the drainage and flooding?

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Nor does the DEIR include fundamental information regarding the site's hydrologic characteristics. It does not disclose, for example, the amount of existing impervious surfaces on the site, or the site's existing storm flow velocities or volumes. Without this information, it is not possible to determine if post-development velocities or volumes would exceed pre-development conditions, as the DEIR claims. *Id.* at 4.9-30.

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In addition, the DEIR's hydrological chapter never discloses that the site contains numerous natural drainage channels and blue-line (waters of the state of California) streams. It is not until the biological resources chapter that the reader learns there are a total of 14 primary drainages and a number of sub-drainages or tributaries on the Project site. *Id.* at 4.4-59. Yet, the biological resources chapter discusses these drainages only in the context of riparian and wetland resources. Consequently, there is no discussion of the hydrological value of these creeks. Moreover, because the DEIR's hydrological analysis does not disclose the location—or even the existence—of these natural drainage features, it does not analyze whether the Project would result in a substantial alteration of the existing drainage pattern of the site consistent with the DEIR's thresholds of significance. *See id.* at 4.9-17 (“[A] project would have a

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significant impact on surface hydrology if it would result in a substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river.”).

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As discussed below, the DEIR’s analysis focuses exclusively on whether post-development storm water flows would be greater than pre-development storm water flows. While this is an issue that requires analysis, the DEIR cannot simply omit evaluation of the Project’s impact on natural storm drainages. In particular, the DEIR must actually analyze the hydrological effect to downstream resources (e.g., San Jacinto Wildlife Area, Mystic Lake, and San Jacinto River). The EIR must be revised to include this analysis.

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(b) The DEIR Fails to Adequately Analyze the Project’s Hydrological Impacts.

There are numerous deficiencies in the DEIR’s analysis of drainage and flooding impacts. First, as discussed above, the DEIR fails entirely to analyze the Project’s impacts to natural drainages and streams. The only mention of a potential impact to a natural drainage feature occurs in the context of biological resources. Here, the DEIR admits that the proposed Project may impact Drainage Feature 12, located on the San Jacinto Wildlife Area (“SJWA”), but then defers any analysis. Instead, the DEIR asserts that if any impacts are to occur, regulatory permitting may be required. *Id.* at 4.4-59. As California courts make clear, merely requiring compliance with agency regulations does not conclusively indicate that a proposed project will have no significant impacts. In *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 716, for example, the court found that the fact that the EPA and the local air pollution control district had issued air emission permits for a coal-fired cogeneration plant did not nullify CEQA’s requirement that the lead agency analyze the significant air quality impacts of the entire project. The revised EIR must analyze the Project’s potential impacts to all natural drainage features. If these impacts are significant, the EIR must identify mitigation and/or alternatives capable of minimizing or eliminating altogether these impacts.

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Second, the DEIR fails to use the correct baseline for analyzing the Project’s storm water impacts under CEQA because it assumes the implementation of storm water infrastructure improvements. In analyzing the Project’s effects, the DEIR must evaluate the Project’s impacts against a baseline of existing conditions, not a hypothetical future environment where planned infrastructure will be built. In *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale*, the City of Sunnyvale certified an EIR that measured the project’s impacts against a baseline of traffic conditions in the year

43

2020; these conditions assumed a future scenario where: (1) development had occurred according to the city's general plan, and (2) "numerous roadway improvements in the project area [were] in place by the year 2020" (2010) 190 Cal.App.4th 1351, 1361. In a lengthy analysis, the court held that this approach violated CEQA as a matter of law:

The statute requires the impact of any proposed project to be evaluated against a baseline of existing environmental conditions (*see* §§ 21060.5, 21100, subd. (d); *see also* CEQA Guidelines § 15125, subd. (a)), which is the only way to identify the environmental effects specific to the project alone.

Id. at 1380.

Here, the DEIR authors make the exact same error. The analysis simply assumes that storm water runoff will be stored in on-site basins or somehow infiltrated in the ground. DEIR at 4.9-29, Table 4.9.G, Footnote 1. Yet, as discussed below, there is no indication that this storm drain infrastructure will be constructed. Because the DEIR assumes the implementation of this as-of-yet unplanned storm water infrastructure, it concludes that post-development storm water flows would not exceed pre-development storm water flows. *Id.* at 4.9-29. An adequate environmental analysis would include the following four steps:

- (1) identify existing hydrologic conditions;
- (2) identify the Project's impact (assessment of the increase in storm flows attributable to proposed Project and the site's ability to accommodate these flows);
- (3) identify proposed storm water control features; and,
- (4) evaluate whether the storm water features are sufficient to ensure that post-development flows do not exceed pre-development flows.

The DEIR skips steps 1 through 3 and simply concludes, absent factual analysis, that post-development flows will exceed pre-development flows. DEIR at 4.9-29.

(c) The DEIR Proposes Insufficient Mitigation for the Project's Hydrological Impacts.

Notwithstanding this flawed impact analysis, the DEIR concludes that the Project would result in a significant hydrological impact. *Id.* at 4.9-29. The DEIR's approach to mitigation is insufficient, however, because it lacks the evidentiary support to

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conclude the impacts would be reduced to insignificant levels. When a lead agency relies on mitigation measures to find that project impacts will be reduced to a level of insignificance, there must be substantial evidence in the record demonstrating that the measures are feasible and will be effective. *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1027; *Kings County Farm Bureau*, 221 Cal.App.3d 692, 726-29. To this end, the DEIR must set forth either specific mitigation measures or specific performance standards guaranteeing that mitigation will be successful. See CEQA Guidelines § 15126.4; see also *Sacramento Old City Ass'n*, 229 Cal.App.3d at 1034. Here, the DEIR lacks the evidence necessary to show that the Project will not contribute to on-going drainage and flooding problems.

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The DEIR identifies exactly one mitigation measure for the Project's significant drainage and flooding impacts. This measure (4.9.6.1A) would route the on-site storm water flows through a series of detention and infiltration basins, so that storm water flows are reduced to equal or below pre-development conditions. DEIR at 4.9-30. Specifically, the DEIR calls for the developer to place detention basin(s) and spreading area(s) *as appropriate* within each proposed watershed, to "mitigate the impacts of increased peak flow rate, velocity, flow volume and reduce the time of concentration by storing increased runoff for a limited period of a time and release the outflow at a rate that does not exceed the pre-development conditions." *Id.* (emphasis added). Unfortunately, there are numerous flaws with this proposed measure.

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First, by using phrases such as "as appropriate," the DEIR provides no assurance or commitment that the storm water facilities will ever be implemented. *San Franciscans for Reasonable Growth*, 151 Cal.App.3d at 79. The CEQA Guidelines state that "mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments." CEQA Guidelines § 15126.4(a)(2).

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Second, although the DEIR asserts the "project hydrology plan" provides the details regarding the storm water facilities relating to peak flow rate, velocity, flow volume and the timing of releasing flows (at 3-46), the hydrology plan contained in Appendix J to the DEIR does no such thing. The hydrological appendix explicitly *excludes* the necessary details relating both to the design for controlling increased peak flow rate, velocity, and flow volume and to the methodology that would be used to release the outflow at a rate that does not exceed the pre-development conditions. Instead, the appendix improperly asserts that the approximate sizes of the basins will be determined in the final design stage. DEIR, App. J at 9.

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Moreover, even if these important details were included in the DEIR's hydrological appendix, the DEIR's approach is unlawful. CEQA requires that the

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analysis be presented in the EIR. *See Santa Clarita Organization for Planning the Environment v. County of L.A.* (2003) 106 Cal.App.4th 715, 722 (agency's analysis must be contained in the EIR, not "scattered here and there in EIR appendices").

"Decisionmakers and the general public should not be forced to sift through obscure minutiae or appendices in order to ferret out the fundamental assumptions that are being used for purposes of the environmental analysis." *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 659; *see also Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442 ("The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project.").

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Third, although the Project will be constructed in phases, neither the DEIR nor the hydrological appendix provides any explanation as to whether or how the drainage improvements would keep pace with anticipated development. The DEIR does not set forth specific, measurable performance standards for the Project's drainage system that could justify later formulation of mitigation methods targeted to meet those standards. The closest the hydrology appendix comes is the vague statement that "proposed drainage systems which are connecting to the existing downstream facilities shall be designed so the proposed discharge does not exceed the existing discharge to the downstream facilities." DEIR, App. J at 7. The Specific Plan also lacks any performance standards for the drainage improvements. Instead, it simply states that "at each stage of development, the peak flows at downstream discharge points at the southerly project boundary will not exceed the peak flows for the existing conditions." DEIR, App. H at 42. Because the DEIR lacks any specific performance standards, this vague statement of intent is meaningless.

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Fourth, the DEIR promises that post-development flows will not exceed the pre-development condition. DEIR at 4.9-30. Yet, as discussed above, the Project site and surrounding area currently experience flooding. By the DEIR's own admission, the post-development flow volumes that will be generated on-site are anticipated to be substantially higher than the pre-development flows. *Id.* at 4.9-29. Simply designing drainage facilities to meet pre-development drainage conditions provides no assurance that flooding will not continue to occur on and adjacent to the Project site. In fact, as the DEIR recognizes, flood control systems are not always constructed to the ultimate condition envisioned. *See id.* at 4.9-26. Moreover, without appropriate monitoring and maintenance, over time storm drainage systems may no longer provide sufficient capacity for storm water flows.

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Indeed, the DEIR provides no mechanism for on-going maintenance of drainage facilities. As the hydrology appendix makes clear, proper maintenance is necessary to adequately convey flows. DEIR, App. J at 18. Sediment, for example, can be transported downstream, filling the downstream channel, leading to a decrease in channel capacity and an increase in flooding and overbank deposition. *Id.* at 16. In fact, the DEIR identifies sediment as the principal component in most storm water by volume. DEIR at 4.9-31. Rather than ensure regular monitoring and maintenance as Project mitigation, the DEIR specifically states that sediment basins will *not* be constructed as part of the Project. *Id.* Instead, it calls for operations, maintenance and funding details to be included in a Project specific water quality management plan ("WQMP"), to be prepared at a later date. *Id.* at 4.9-35. Such deferral of mitigation violates CEQA.

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Fifth, the DEIR explains that projects that are identified as "Priority Development Projects" are required to prepare a Project-Specific WQMP. DEIR at 4.9-12. The City's Municipal Separate Storm Sewer System ("MS4") Permit System mandates a Low Impact Development ("LID") approach to storm water treatment and management of runoff discharges. *Id.* at 3-59. According to the DEIR, the Project site should be designed to minimize imperviousness, detain runoff, and infiltrate, reuse, or evapotranspire runoff where feasible. DEIR at 4.9-13. The DEIR goes on to explain that LID Best Management Practices ("BMPs") should be used to infiltrate, evapotranspire, harvest and use, or treat runoff from impervious surfaces, in accordance with the Design Handbook for Low Impact Development Practices. *Id.* We can find no indication that the Project or the mitigation measures include any design features to minimize imperviousness or reuse or evapotranspire runoff.

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2. The DEIR's Analysis and Conclusions Regarding Aesthetic Impacts to State Route 60, a City-Designated Scenic Road, Are Unsupported.

The Project site is directly adjacent to State Route 60, designated a local scenic road under the City's General Plan. Existing agricultural fields currently allow expansive views across the site. Consequently, motorists driving along State Route 60 in the vicinity of the Project site, particularly those driving east, have excellent views of Mystic Lake and the San Jacinto Valley.

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The DEIR's analysis of impacts to these views errs in two crucial ways. First, the DEIR's primary methodology for understanding Project impacts on scenic vistas and viewsheds fails to provide necessary information about the Project's impacts to views from State Route 60. The DEIR purports to identify specific key vantage points. DEIR at 4.1-17. Photographs of existing conditions at these key vantage points are

54

provided (*id.* at 4.1-11, 13); next, digital models of the Project are projected onto each key vantage point to approximate the Project's impacts (*id.* at 4.11-43 to 59). The flaw is that while the DEIR recognizes that impacts to the motoring public along State Route 60 have the potential to be significant (*id.* at 4.1-7), the DEIR offers only *one* vantage point from this location. *Id.* at 4.1-9. Moreover, the direction and scope of the photograph work to *cut off* the significant views from this scenic road. *Id.* at 4.1-13 (Photograph 12). The DEIR must be revised to disclose the true extent of these visual impacts.

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Second, the DEIR erroneously concludes that the Project's visual changes "while substantial, are generally consistent" with the City's General Plan. *Id.* at 4.1-65, 69. 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 DEIR's simulation of views from State Route 60, however, indicates that the Project will completely block all views from the road out toward the San Jacinto Wildlife Area and Mystic Lake. DEIR at 4.1-55, 57.

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To the extent the City relies on the "programmatic" nature of the EIR to justify its failure to simulate important views from State Route 60 (DEIR at 4.1-62 to 63), the tactic must fail. The DEIR's statement provides another example of the improper deferral encouraged by the City's inappropriate use of a programmatic EIR. *See* Part I(A).

The DEIR offers a number of excuses for this apparent contradiction. While the General Plan focuses on impacts to views of both the surrounding mountains and Mystic Lake, the DEIR focuses only on impacts to views of the "scenic uplands." DEIR at 4.1-7. Because the tips of the mountains may be visible over structures reaching 60 feet or higher, the City implies that the Project can still comply with the General Plan. This argument strains credulity. The General Plan refers to "scenic views" of the surrounding mountains and Mystic Lake. Because the Project will largely block these natural features, the views will not be "scenic." In addition, the DEIR must be clarified that the Specific Plan allows this 60 foot height limitation to be raised under certain circumstances. *E.g.*, DEIR at 4.1-61 (stating that "the project will allow a maximum of 60-foot tall warehouse buildings along the west, north, and south perimeters of the site"); DEIR, App. H at 113 (Specific Plan allows height exceptions up to an additional ten feet).

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The DEIR also relies on an erroneous baseline: the Moreno Highlands Specific Plan. The DEIR states that the Project's change in views "while substantial, is anticipated in the City's General Plan, which allows development within the Project area," and therefore concludes that the Project is compliant with the General Plan. *Id.* at

57

4-1.65. It is black letter CEQA law, however, that a lead agency must consider a project's impact on the existing environment, not on the underlying land use designations. *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354 (CEQA is not concerned with a project's impacts on a plan, but "with the impacts of the project on the environment, defined as the existing physical conditions in the affected area."). Relying on the Moreno Highland Specific Plan in this instance is particularly inappropriate, as the development agreement for that project has since expired and the City acknowledged in an update to its Housing Element in 2011 that that project will not be built. DEIR at 4.13-5.

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In addition, the DEIR's conclusion regarding compliance with the General Plan's protections for scenic roads is based on a faulty assumption regarding the City's ability to mitigate for Project impacts. The DEIR states that the Project "can preserve significant visual features, significant views, and vistas if the size and location of building developed under the [specific plan] can be controlled so as not to substantially block views of Mount Russell, the Badlands, and Mystic Lake." DEIR at 4.1-65; *accord id.* at 4.1-69. Yet the DEIR includes no requirement to actually control the size and location of buildings; the only mitigation measures outlined in the DEIR relate to setbacks and visual screening. *Id.* at 4.1-65. While the DEIR states that the Specific Plan includes such restrictions (*id.* at 4.1-69), the DEIR is wrong. In fact, the Specific Plan's only provisions for protecting views and vistas call for localized screening and setbacks, which would have no impact on long-range views. *See, e.g.,* DEIR, App. H at 104, 106-07. The Specific Plan fails even to mention the important viewsheds toward Mystic Lake and San Jacinto Valley.

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In any event, given the sheer size of the Project, it is unlikely that such mitigation is feasible at all. *See* Pub. Res. Code § 21081.6 (mitigation under CEQA must be both feasible and enforceable); *Lincoln Place Tenants Ass'n*, 155 Cal.App.4th at 445 (same). Over 950 acres of the of the 2710-acre Project site will be covered in buildings, and much of the remainder will be used for parking facilities and other improvements. DEIR at 3-19.

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The City's unsupported conclusion regarding the Project's compliance with the General Plan leads to two legal outcomes. First, the City cannot approve a project that fails to comply with a General Plan policy, where, like Policy 7.7.5, the requirement is "fundamental, mandatory, and clear." *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782. Second, inconsistency with a General Plan is a potentially significant impact under CEQA, which must be analyzed just like any other potentially significant impact. *Pocket Protectors v. City Of Sacramento* (2004) 124 Cal.App.4th 903, 930-34. Here, given the Project's clear inconsistency with a

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fundamental General Plan policy intended to protect the environmental setting, the impact is significant. The DEIR must be revised to address the Project's inconsistency with a fundamental General Plan policy and to address the inconsistency as a significant impact under CEQA.

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3. The DEIR Does Not Properly Analyze the Project's Land Use Impacts.

The DEIR also suffers from other land use related errors. CEQA requires that environmental impact reports analyze the consistency of a project with applicable local plans, including general plans. *See Napa Citizens for Honest Govt. v. Napa County Board of Supervisors* (2001 91 Cal.App.4th 342, 386-87; CEQA Guidelines, App. G, § IX (b)). Inconsistencies with a general plan or other local plan goals and policies that were enacted in order to protect the environment are significant impacts in themselves and can also be evidence of other significant impacts. *See id.*; *Pocket Protectors*, 124 Cal.App.4th at 929.

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The DEIR's analysis of the Project's consistency with the City's General Plan is seriously flawed. First, because the proposed general plan amendments are not provided, it is not even possible to determine the Project's consistency with the General Plan. Second, what information that is provided in the DEIR makes clear that the Project would conflict with numerous General Plan provisions.

(a) Deficiencies in the Project Description Make It Impossible to Determine the Project's Consistency With the General Plan.

As discussed above, the DEIR fails to adequately describe key components of the Project. The DEIR does not include, for example, fundamental information pertaining to the utilities, infrastructure and public services that will be needed to serve the Project. The General Plan, however, contains provisions about the importance of ensuring that utilities, infrastructure and public services keep pace with development. Because the DEIR does not provide that assurance—for example, there is no assurance that storm drainage infrastructure will be constructed in advance of each phase of development—it is simply not possible to determine whether the Project is consistent with the General Plan.

62

Nor does the DEIR disclose the content of the proposed general plan amendments. Consequently, the public and decision makers are left in the dark as to whether the amendments would be consistent with the remaining elements of the General Plan or whether they would result in a General Plan that is internally inconsistent. Perhaps the most troubling omission pertains to the DEIR's treatment of the Project's

63

transportation circulation system. Here, the DEIR states that “the revised General Plan Circulation Element (as amended by the proposed project) and the Specific Plan’s Circulation Plan (Specific Plan Section 3.1) provides for the movement of vehicles in and around the World Logistics Center area.” DEIR at 3-33. Yet, we can find no indication that this “revised General Plan Circulation Element” has even been prepared. If this Circulation Element is a part of the proposed Project, as the DEIR implies, it must be described in the DEIR.

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The implications of this omission are very important. The circulation element of a general plan serves as an “infrastructure” plan and must “correlate” with the other elements of the plan, including planned land uses called for in the land use element. *Concerned Citizens of Calaveras County v. Calaveras County* (1985) 166 Cal.App.3d 90, 99-104. The City must ensure that its discretionary land use projects do not result in a general plan land use element that is inconsistent with its circulation element. Here, the WLC Project calls for an enormous level of development that will result in significant and unavoidable traffic impacts. DEIR at 1-32 through 1-35. The DEIR does not analyze the Project’s consistency with the General Plan Circulation Element, or whether approval of the Project would result in an internally inconsistent General Plan.

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(b) The Project Is Inconsistent With Numerous General Plan Objectives, Goals and Policies.

The General Plan embodies values and principles that recognize the importance of protecting the safety, healthy, and desirability of the City. *See* General Plan at 1-1, 9-1. These goals and policies are inextricably linked to preserving the environment through protection of visual resources, avoidance of noise-intensive uses and air emissions near sensitive receptors, and minimizing traffic impacts.

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Notwithstanding the massive nature of the Project and the General Plan’s emphasis on environmental protection, the DEIR concludes that the Project is consistent with the Plan’s goals, policies, and objectives. To reach this contrived conclusion, the EIR carefully cherry-picks a sampling of isolated Plan policies. DEIR Table 4.10.E. Because the EIR ignores a myriad of other relevant policies—with which the Project flatly conflicts—the document misinforms decision makers and the public about the Project’s consistency with the General Plan.

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Set forth below are examples of the Project’s General Plan inconsistencies. The DEIR provides either inaccurate analysis, or no analysis, of these conflicts.

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Objective, Goal and Policy	Definition	Consistency of Proposed WLC Project
Policy 2.5.2	Locate manufacturing and industrial uses to avoid adverse impacts on surrounding land uses. General Plan at 9-7.	<i>Inconsistent:</i> As the DEIR explains, the Project would result in increased noise, lighting, air pollutant, and health risk impacts. There is no effective mitigation available to protect or separate existing residences in the area from the Project's warehousing buildings and operations. The DEIR concludes this impact is significant and unavoidable. DEIR at 4.10-34.
Policy 2.5.3	Screen manufacturing and industrial uses where necessary to reduce glare, noise, dust, vibrations and unsightly views. General Plan at 9-7.	<i>Inconsistent:</i> As the DEIR explains, the Project would result in increased noise, lighting, air pollutant, and health risk impacts. There is no effective mitigation available to protect or separate existing residences in the area from the Project's warehousing buildings and operations. The DEIR concludes this impact is significant and unavoidable. DEIR at 4.10-34.

Objective, Goal and Policy	Definition	Consistency of Proposed WLC Project
Policy 2.10.11	Screen and buffer nonresidential projects from adjacent residential property and other sensitive land uses when necessary to mitigate noise, glare and other adverse effects on adjacent uses. General Plan at 9-9.	<i>Inconsistent:</i> As the DEIR explains, the Project would result in increased noise, lighting, air pollutant and health risk impacts. There is no effective mitigation available to protect or separate existing residences in the area from the Project's warehousing buildings and operations. The DEIR concludes this impact is significant and unavoidable. DEIR at 4.10-34.
Objective 2.13	Coordinate development activity with the provision of public infrastructure and services to eliminate possible gaps in service provision. General Plan at 9-10.	<i>Inconsistent:</i> During each phase of development, and at build out, the Project will generate significant amounts of traffic onto roadways, intersections, and freeways. The DEIR identifies these impacts as significant and unavoidable. DEIR at 1-32 to 35. The DEIR provides no evidence that storm drain infrastructure will be installed concurrent with development.

Objective, Goal and Policy	Definition	Consistency of Proposed WLC Project
Objective 5.3	Maintain Level of Service (LOS) “C” on roadway links, wherever possible, and LOS “D” in the vicinity of SR 60 and high employment centers. Figure 9-2 depicts the LOS standards that are applicable to all segments of the General Plan Circulation Element Map. General Plan at 9-18, 19.	<i>Inconsistent:</i> During each phase of development, and at build out, the Project will generate significant amounts of traffic onto roadways, intersections and freeways. The DEIR identifies these impacts as significant and unavoidable. DEIR at 1-32 to 35.
Policy 5.3.6	Where new developments would increase traffic flows beyond the LOS C (or LOS D, where applicable), require appropriate and feasible mitigation measures as a condition of approval. Such measures may include extra right-of-way and improvements to accommodate left-turn and right-turn lanes at intersections, or other improvements. General Plan at 9-19.	<i>Inconsistent:</i> During each phase of development, and at build out, the Project will generate significant amounts of traffic onto roadways, intersections and freeways. The DEIR identifies these impacts as significant and unavoidable. DEIR at 1-32 to 35.

Mr. John Terrell
 April 8, 2013
 Page 25

Objective, Goal and Policy	Definition	Consistency of Proposed WLC Project
Policy 5-6	<p>Conduct studies of specified arterial segments to determine if any additional improvements will be needed to maintain an acceptable LOS at General Plan build-out. Generally, these segments will be studied as new developments are proposed in their vicinity. Measures will be identified that are consistent with the Circulation Element designation of these roadway segments, such as additional turn lanes at intersections, signal optimization by coordination and enhanced phasing, and travel demand management measures. The study of specified arterial segments will be required to identify measures to maintain an acceptable LOS at General Plan build-out for at least one of the reasons discussed below:</p> <ul style="list-style-type: none"> (a) Segments will need improvement, but their ultimate volumes slightly exceed design capabilities. (b) Segments will need improvements but require inter-jurisdictional coordination. (c) Segments would require significant encroachment on existing adjacent development if built-out to their Circulation Element designations. General Plan at 9-23, 24. 	<p><i>Potentially inconsistent:</i> The Project includes a “Revised Circulation Element” yet it is not included in the DEIR. The DEIR concludes that roadway segments would exceed applicable level of service thresholds and that these impacts are significant and unavoidable. DEIR at 1-32 to 35.</p>

Objective, Goal and Policy	Definition	Consistency of Proposed WLC Project	
Policy 6.2.3	Maximize pervious areas in order to reduce increases in downstream runoff resulting from new development. General Plan at 9-30.	<i>Inconsistent:</i> Although the DEIR does not identify the increase in impervious surfaces, the 41 million square foot development would result in an enormous increase in impervious surfaces in a location that already experiences drainage deficiencies and flooding. The DEIR provides no indication as to whether the applicant has taken any action to maximize pervious areas.	70
Policy 6.2.4	Design, construct and maintain street and storm drain flood control systems to accommodate 10-year and 100-year storm flows respectively. General Plan at 9-30.	<i>Potentially Inconsistent:</i> As discussed above, the DEIR provides no evidence that sufficient storm drain flood control systems will be implemented.	71
Policy 6.3.1	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: 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. General Plan at 9-31.	<i>Inconsistent:</i> The Project will result in significant and unavoidable construction- and operational- noise impacts. DEIR at 1-27, 28.	72

Objective, Goal and Policy	Definition	Consistency of Proposed WLC Project	
Objective 6.5	Minimize noise impacts from significant noise generators such as, but not limited to, motor vehicles, trains, aircraft, commercial, industrial, construction, and other activities. General Plan at 9-31.	<i>Inconsistent:</i> The Project will result in significant and unavoidable construction- and operational- noise impacts. DEIR at 1-27, 28.	73
Policy 7.7.5	Require development along scenic roadways to be visually attractive and to allow for scenic views of the surrounding mountains and Mystic Lake. General Plan at 9-38.	<i>Inconsistent:</i> The Project will significantly impact viewsheds in the area, including views of the Mt. Russell Range, the Badlands, and Mystic Lake. DEIR at 1-9; <i>see also</i> Part I(C)(2) of this letter.	74
The revised EIR must examine each of the General Plan policies for which the Project may be inconsistent. If inconsistencies exist, the revised EIR must identify these as significant impacts and identify feasible mitigation or Project alternatives capable of minimizing or eliminating these impacts.			75
4. The DEIR's Analysis of Hazards and Hazardous Materials Is Inadequate.			
(a) The DEIR Fails to Provide Sufficient Information for Accurate Analysis and Decision-Making.			
The hazards and hazardous materials section of the DEIR lacks sufficient information to enable the public and decision-makers to make an informed judgment regarding the potentially significant impacts of the Project. In particular, the section relies on conclusory statements and unstated assumptions that are specifically prohibited under CEQA. <i>See Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.</i> (2001) 91 Cal.App.4th 1344, 1371 (striking down an EIR "for failing to support its many conclusory statements by scientific or objective data"); <i>San Joaquin Raptor Rescue Center</i> , 149 Cal.App.4th at 659 ("[D]ecision makers and general public should not be forced to . . . ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis.").			76

As an example, the DEIR states that “18 separate Phase I Environmental Site Assessments (ESAs) have been conducted covering a large majority of the property.” DEIR at 4.8-2. However, the DEIR fails to inform the public which areas have not been subject to Phase I ESAs and if any of these areas will be part of the 42 million cubic yards of cut and fill necessary to grade the Project site. *Id.* at 3.6-1. Without this information, the public and the relevant decision-makers cannot ascertain whether the DEIR accurately concludes that the Project will result in a less than significant impact with respect to hazardous materials. *Id.* at 4.8-17.

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The Moreno Valley Local Hazard Mitigation Plan and the Moreno Valley General Plan also indicates the presence of hazardous materials sites on the Project site. Local Hazard Mitigation Plant at 89; Moreno Valley General Plan Final EIR, Figure 5.5-1. These sites are not disclosed or otherwise described in the Project EIR. Information about these hazardous materials sites, and the impacts of the Project on the sites, must be included in a revised draft EIR and recirculated for additional public comment.

78

Similarly, the DEIR states that certain setbacks “appear [to be] sufficient” to guard against potential risks from an existing regional natural gas compressor station located within the Project site. *Id.* at 4.8-15. The DEIR, however, contains no analysis or substantial evidence to support its conclusion that the specified setbacks are “sufficient.” This type of conclusory statement does not comport with CEQA’s informational purpose.

79

(b) The DEIR Fails to Adequately Mitigate for Potentially Significant Impacts.

In addition to its information disclosure requirements, CEQA mandates that lead agencies adopt all feasible mitigation measures that substantially lessen the significant environmental effects of a project. Pub. Res. Code § 21001. If a lead agency concludes that an impact is less than significant based on the presence of conditions or mitigation measures that lessen the potential impact, these conditions or mitigation measures must be adopted and enforceable. Pub. Res. Code § 21081(a) (A lead agency may not approve a project unless “changes or alterations have been *required in, or incorporated into*, the project which mitigate or avoid the significant effects on the environment.” (emphasis added)). In contravention of these requirements, the hazards and hazardous materials section of the EIR frequently relies on conditions or mitigation measure that the City appears *not* to intend to adopt or enforce.

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For example, Phase I ESAs for the Project site indicate the presence of trash and debris, including some potentially hazardous material. *E.g.*, DEIR at 4.8-2 to 4 (noting several containers of paint, waste, and hydrocarbons and dozens of tires and other

81

debris). These materials present a potentially significant impact, in that they could create a significant hazard to the public or the environment through a reasonably foreseeable upset and release. *Id.* at 4.8-11. While the DEIR indicates that “all containers of hazardous materials and waste will need to be lawfully transported off site for disposal or recycling by a licensed hazardous waste transporter” (*id.* at 4.8-4), this requirement is not listed as a condition or mitigation measure for the Project. As mitigation measures must be enforceable, the DEIR must be revised accordingly. Pub. Res. Code § 21081.6.

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Similarly, the DEIR indicates that manufacturing or chemical processing on the Project site could result in a significant hazard to the public. DEIR at 4.8-13. The DEIR therefore states that such uses “will not be permitted under the provisions of the Specific Plan.” *Id.* However, the Specific Plan contains no express prohibition on this type of activity, and thus the DEIR erroneously concludes that there is no risk associated with this type of use. The DEIR must be revised to indicate that this prohibition must be incorporated into the Specific Plan.

82

The DEIR also concludes that potential hazards from the Moreno natural gas Compressor Plant will be reduced to a “less than significant level,” in part because of “sufficient setback[s] from the plant to the future warehouse uses (e.g., 1,000 feet to [sic] east and 1,500 feet to west).” *Id.* at 4.8-15. This setback, however, is not included as a requirement in the Specific Plan or as an enforceable mitigation measure in the DEIR. Given that the location of the buildings will not be established as part of the proposed Project, the DEIR or Specific Plan must include a specific condition regarding these proposed setbacks to ensure that the potential hazard from the natural gas compressor plant can be reduced to a less-than-significant level.

83

(c) The DEIR Repeatedly Defers Analysis and Mitigation Related to Potential Hazards.

In response to the City’s Notice of Preparation, a number of members of the public raised concerns regarding the pressurized natural gas lines that currently criss-cross the Project site and the potential for construction to result in a catastrophic accident. *Id.* at 4.8-6. In response to these concerns, the DEIR states that “as development occurs in areas with buried natural gas lines, the project proponent will be required to negotiate with the involved utility provider as to whether these pipelines can be relocated or need to be protected in place.” *Id.* at 4.8-16. The DEIR ultimately concludes, however, that any potential impact can be reduced to a less-than-significant level. *Id.* This response represents a deferral of analysis that is strictly prohibited under CEQA. *Communities for a Better Environment*, 184 Cal.App.4th at 92 (setting aside an EIR for deficient consideration of greenhouse gas emissions where the document “improper[ly] deferr[ed]

84

[] environmental assessment.”). As explained in Part I(A), the programmatic nature of the EIR provides no excuse for this deferral.

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In addition, the Project includes the construction of a liquefied natural gas/compressed natural gas fueling station. DEIR at 4.8-18. This construction raises similar concerns related to a fire or catastrophic explosion. *Id.* Instead of addressing these concerns in the DEIR, however, the City defers the development of mitigation measures to a later time: after the approval, the applicant must “provide a risk assessment or safety study” that demonstrates that the location and construction of “the facility will not create any significant public health or safety impacts or risk.” *Id.* at 4.8-19. But this is the exact type of deferred mitigation that is prohibited under CEQA. An EIR is inadequate if

“[t]he success or failure of mitigation efforts . . . may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.” *San Joaquin Raptor Rescue Center*, 149 Cal.App.4th at 670. “A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of *post hoc* rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA.” *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307.

85

Communities for a Better Environment, 184 Cal.App.4th at 92. Without the specific information that will be disclosed through a risk assessment or safety study, the public cannot be assured that mitigation related to the risk of fire or catastrophic explosion can be adequately mitigated at the Project site.

5. The DEIR Fails to Adequately Analyze and Mitigate Impacts Relating to Geology and Soils.

The DEIR’s analysis of impacts relating to geology and soils is riddled with flaws. First, the document fails to adequately analyze or mitigate impacts resulting from the Project site’s location within an area susceptible to fault rupture. State law prohibits the construction and placement of habitable structures over the trace of an active fault within an Alquist-Priolo Zone. DEIR at 4.6-17. Before a project can be permitted within an identified Earthquake Fault Zone, a lead agency must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. The primary method to avoid this hazard is to either set structures and facilities away from active faults, or avoid their construction in close proximity to an active fault. *Id.* 4. 6-16.

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The DEIR asserts that a detailed fault investigation was performed for the site's projected faults. Trenching conducted across the Claremont Segment of the San Jacinto Fault in the eastern area of the Project site identified the location of a portion of the fault. However, the DEIR admits that the entire length of the fault through the site was not trenched. DEIR at 4.6-17. Notwithstanding this incomplete investigation, the DEIR correctly concludes that future development permitted by the Project would locate development in an area susceptible to fault rupture and finds this impact to be potentially significant. *Id.* at 4.6-16. The DEIR proposes to mitigate this impact by requiring a study that "will likely" involve future trenching to adequately identify the location of the Claremont segment of the San Jacinto Fault Zone. *See* Mitigation Measure 4.6.61B at 4.6-17. We can find no logical explanation as to why the initial "detailed" fault investigation did not include trenching of the section of entire length of the Claremont Segment of the San Jacinto Fault through the Project site. Moreover, the DEIR's mitigation measure does not even commit to conduct future trenching. Without a thorough investigation, the DEIR has no basis to conclude that proposed buildings will not be constructed across active faults. Therefore, the document's conclusion that the Project's impacts relating to susceptibility to fault rupture would be mitigated to less than significant levels cannot be sustained.

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Second, the DEIR fails to adequately analyze or mitigate impacts relating to ground shaking. The DEIR states that the level of potential ground motion is considered moderate to high in the City of Moreno Valley and concludes that this impact is potentially significant. DEIR at 4.6-18. The DEIR proposes to mitigate for this impact by complying with applicable standards and codes (e.g., Title 24 (California Building Standards Code), City Building Code and/or professional engineering standards). The DEIR never, however, identifies the specific grading, soils and construction techniques that could justify later formulation of mitigation methods targeted to meet the applicable standards. In the absence of this information, the DEIR lacks the evidence necessary to conclude that the Project's impacts related to ground shaking would be reduced to less than significant levels.

88

Third, the DEIR concludes that the potential exists to locate development on moderately expansive and compressible soils and deems these impacts to be significant. DEIR at 4.6-19. Here too, the DEIR defers the necessary analysis of impacts until after project approval. Mitigation Measure 4.6.6.3A calls for geotechnical investigations that "shall identify any site-specific impacts...", while Measure 4.6.6.3D calls for studies to "address if or to what degree compressible and/or expansive alluvium on or underlying individual pads is present." *Id.* at 4.6-19,20. It is wholly inappropriate

89

to deem these measures “mitigation” and allow them to be delayed until after project approval. *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359, 1396 (rejecting mitigation measures allowing project applicant to comply with report and measures regarding the Stephens’ kangaroo rat developed after project approval). An analysis of the Project’s potential to locate development on expansive and compressible soils must necessarily begin with a detailed investigation of the presence of such soils on the Project site. This information must be must be included in the revised DEIR.

89

Finally, the Project includes an array of off-site improvements such as reservoirs and highway projects. DEIR at 4. 6-10. The DEIR fails to analyze the extent to which these off-site improvements would be subject to potential geotechnical constraints. Instead, the DEIR simply concludes that none of the off-site improvement areas would have substantial seismic or seismically related constraints. *Id.* Contrary to this conclusion, the DEIR’s geotechnical appendix shows clearly significant potential geotechnical impacts. For example, several landslides have been mapped and observed during the field review of off-site reservoir Area A. *See* Appendix G at 6, 7. The appendix goes so far as to state, “Due to the existing nearby landslides, the gross stability of the area must be determined during future studies.” *Id.* Nor does the DEIR disclose that that the planned reservoir access road will traverse through a mapped landslide as well as potential unstable San Timoteo formation bedrock and that the site has potential for ground fissuring/rupture. *Id.*

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The DEIR also fails to disclose that water reservoir and access area B also have landslides and that the access road would cut through potentially unstable bedrock. Appendix G at 8 and 9. The appendix also explains that although no faulting was observed during the review, “mass wasting and weathering of the formational materials may be masking any onsite features indicative of active faulting.” *Id.* at 8.

91

We can find no plausible explanation for the DEIR’s omission of this important information. As the appendix makes very clear, the potential exists for these off-site improvements to result in significant geotechnical impacts. The EIR must be revised to include a comprehensive analysis of these site constraints and identify appropriate mitigation measures.

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6. The DEIR Fails to Properly Analyze Impacts Relating to Population, Housing and Employment.

The DEIR lacks evidentiary support to conclude that the Project would not induce substantial population growth. According to Highland Fairview, the proposed Project will more than double the number of jobs within the City. While there were approximately 25,000 jobs in the City in 2011, the DEIR states the Project will generate about 29,500 new direct and induced jobs. DEIR at 4.13-3, 9; 5-5.

93

The DEIR asserts that the jobs generated by the proposed Project are anticipated to be filled by workers who, for the most part, already reside in the Project area; therefore, construction of the proposed WLC Project would not cause a permanent increase in population. DEIR at 4.13-8. The DEIR fails, however, to provide any factual support for this assertion. Indeed, because the DEIR omits fundamental information about the skills and/or the educational characteristics of the local labor force, it is not possible to determine whether City residents could fill the new positions. The DEIR also entirely ignores the fact that the creation of 28,000 potential jobs could cause people to move to Moreno Valley, which could generate additional housing demand in the region.

94

Finally, the DEIR lacks factual support for the conclusion that the Project would improve the jobs/housing imbalance. The DEIR asserts that since the City is already “housing rich,” the Project’s increase in jobs will help to improve the region’s job/housing imbalance. DEIR at 4.13-13. But it is impossible to verify the accuracy of this conclusion because the DEIR provides incomplete information pertaining to existing employment. For example, the DEIR does not account for regional in- or out-commuting due to job/labor mismatches or housing affordability. Even if a community has a numerical balance between jobs and housing/employed residents, sizeable levels of in- and out-commuting are possible and even likely, especially where employment opportunities do not match the skills and/or the educational characteristics of the local labor force. An actual jobs-to-housing match occurs only when the types of jobs provided in a community “match” the skills and income needs of the employed workers within the community. The revised DEIR must describe the types of jobs that would be created by the Project and match them to local worker’ skills and education.

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7. The DEIR Fails to Adequately Analyze the Project’s Cumulative Impacts.

Under the CEQA Guidelines, “a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR

96

together with other projects causing related impacts.” CEQA Guidelines § 15130(a)(1). Because “[c]umulative impacts can result from individually minor but collectively significant projects” (CEQA Guidelines § 15355(b)), an impact that appears less than significant (or mitigable to such a level) when only the project is scrutinized may turn out to contribute to a significant cumulative impact. Accordingly, the EIR must determine whether the project’s contribution is “cumulatively considerable,” that is, whether its “incremental effects . . . are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” CEQA Guidelines § 15065(a)(3); *see also Kings County Farm Bureau*, 221 Cal.App.3d at 729. This mandate assumes even greater importance for a program-level EIR such as this one. *See* CEQA Guidelines § 15168(b)(4) (programmatic EIR allows agency to “consider broad policy alternatives and program-wide mitigation measures” at an early stage when the agency has greater flexibility to deal with cumulative impacts).

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To analyze the Project’s potential cumulative impacts, the DEIR purports to use the growth projections set forth in the City’s General Plan. DEIR at 2-22. However, the DEIR identifies only the growth that is expected to occur in the City and the County, which simply lists the amount of population, housing, employment and jobs/housing ratio (*see* Table 2.E at p. 2-23). There is no indication that the General Plan documents “described or evaluated regional conditions contributing to the cumulative impact,” as required by the CEQA Guidelines section 15130(b). Indeed, after purporting to rely on the City’s General Plan, the DEIR goes on to discuss the Project’s cumulative impacts without once referring back to the General Plan. DEIR at 4.9-42, 43.

97

The DEIR errs further because, rather than analyzing the Project’s cumulative impacts, it simply repackages, in abbreviated form, the project-specific impact analysis. In doing so, the DEIR misses the point of cumulative impacts analysis entirely. For example, the DEIR concludes that the Project would not contribute considerably to cumulative storm water impacts because the Project’s drainage system will be designed to control post-development runoff—and all other development in the vicinity of the Project site will have the same requirement. *Id.* at 4.9-43. However, the DEIR’s project-specific analysis did not analyze whether the buildout allowed under the City General Plan, together with development in the City, would cause significant storm water and flooding impacts. The document never identifies how the growth anticipated by the General Plan would affect the various watersheds in the area.

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Moreover, the very purpose of cumulative impact analysis is to determine whether impacts that appear insignificant in isolation add up to significant damage when taken together with other projects’ impacts. Thus, the fact that individual projects may

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have only less than significant impacts is no answer to the question whether, taken together, they may have a cumulative impact. *See Kings County Farm Bureau*, 221 Cal.App.3d at 720.

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The DEIR must take a hard look at the impacts of the proposed Project together with the impacts of development with the various watersheds, and after undertaking that analysis, must determine whether the Project's contribution to such impacts are cumulatively considerable. In determining the significance of the Project's incremental contribution, the question is *not* the relative amount of the Project's contribution to the existing cumulative problem (i.e., whether this Project contributes the same, less, or more than other projects), but rather whether the addition of the Project's impact is significant in light of the serious existing or soon-to-be existing problem (i.e., whether the project's contribution to the environmental problem is cumulatively considerable). As the courts have explained, the greater the existing environmental problem is, the lower the threshold of significance is for considering a project's contribution to the cumulative impact. *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120.

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The DEIR's analysis of cumulative impacts relating to wastewater treatment demand is similarly deficient. The document does not identify the cumulative wastewater demand in the area or evaluate whether the Project's increase in wastewater demand, combined with the wastewater demand from cumulative development, will impact wastewater treatment facilities. Instead, the DEIR merely observes that (1) cumulative population increases and development within the area serviced by the Moreno Valley Regional Water Reclamation Facility will increase the overall regional demand for wastewater treatment service, and (2) the reclamation facility *is expected to* have adequate capacity to service the City's wastewater needs through 2030. DEIR at 4.16-28. These vague and uninformative statements are not sufficient. CEQA requires that an EIR's conclusions be supported by substantial evidence. *Laurel Heights I*, 47 Cal.3d at 409. Substantial evidence consists of "facts, a reasonable presumption predicated on fact, or expert opinion supported by fact," not "argument, speculation, unsubstantiated opinion or narrative." Pub. Res. Code § 21080(e)(1)-(2).

101

The DEIR also concludes, absent factual analysis, that the proposed Project would not have a cumulatively significant impact on wastewater infrastructure because the Project itself would not require the expansion of existing infrastructure. DEIR at 4.16-28. As explained above, this misses the point of a cumulative impact analysis. Even where a project might cause an "individually limited" or "individually minor" incremental impact that, by itself, is not significant, the project may nevertheless contribute to a cumulative impact if the contribution is "cumulatively considerable" when

102

viewed together with environmental changes anticipated from past, present, and probable future projects. CEQA Guidelines §§ 15064(h)(1), 15355(b).

102

The DEIR must be revised to conduct its cumulative impact analyses in accordance with CEQA. If any Project impact is determined to be cumulatively considerable, the DEIR must identify mitigation measures or alternatives capable of minimizing or eliminating these impacts.

103

8. The DEIR Fails to Analyze the Project's Growth-Inducing Effects.

CEQA requires an EIR to include a "detailed statement" setting forth the growth-inducing impacts of a proposed project. Pub. Res. Code § 21100(b)(5); *City of Antioch v. City Council of Pittsburg* (1986) 187 Cal.App.3d 1325, 1337. The statement must "[d]iscuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." CEQA Guidelines § 15126.2(d). It must also discuss how projects "may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively." *Id.* The CEQA Guidelines expressly recognize that growth-inducing impacts can occur through extension of infrastructure. CEQA Guidelines, App. G, § XIII(a). The EIR here does not begin to meet these requirements.

104

The DEIR concedes that the Project has the potential to induce growth by creating new employment opportunities and increasing the demand for goods and services. DEIR at 5-5. Despite this pronouncement, however, we find no indication that the EIR has, in fact identified this resultant growth or evaluated its environmental consequences. None of the EIR's environmental impact analyses (save population, employment, and housing section) even mention induced or indirect growth. For its part, the population, employment and housing section merely notes that the specific location of the induced jobs cannot be specifically determined; the analysis then goes on to assume that a "large percentage" of these jobs may be located in the proposed WLC project vicinity, i.e. the City. *Id.* at 4.13-13. The DEIR provides no factual support for this assertion.

The DEIR errs further when it boldly asserts that "it is expected that any such [induced housing] development would occur consistent with planned growth identified in the General Plan or applicable specific plans." *Id.* 4.13-8. Here too, the DEIR provides no support that the City's General Plan anticipated the WLC project or its associated indirect growth. Nor could it: the Project as proposed requires numerous amendments to the City's General Plan.

105

Finally, the DEIR asserts that the streets, water, and sewer utilities that would be extended to serve the Project could potentially induce development because they would remove an impediment to growth. *Id.* at 5-6. Yet, the document immediately contradicts itself by stating that the Project will not necessitate extension of major infrastructure. *Id.* This statement is erroneous. Inasmuch as the Project site is currently undeveloped, it will certainly require the extension of utilities and services. Yet, because the DEIR fails to describe the necessary public utilities and services, the public is left in the dark as to whether this infrastructure would be sized only to accommodate the needs of the WLC. The revised DEIR must assess whether the extension of infrastructure to serve the Project will induce further growth and analyze the environmental consequences of this growth.

106

D. The DEIR Analyzes an Inadequate Range of Alternatives and Fails to Develop Alternatives that Reduce Impacts.

A core substantive requirement of CEQA is that “public agencies should not approve projects as proposed if there are feasible alternatives . . . which would substantially lessen the significant environmental effects of such projects.” Pub. Res. Code § 21002; *see also* CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. Accordingly, a major function of the EIR “is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.” *Laurel Heights I*, 47 Cal.3d at 400 (quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197). To fulfill this function, an EIR must consider a “reasonable range” of alternatives “that will foster informed decisionmaking and public participation.” CEQA Guidelines § 15126.6(a). “An EIR which does not produce adequate information regarding alternatives cannot achieve the dual purpose served by the EIR” *Kings County Farm Bureau*, 221 Cal.App.3d at 733.

107

By artificially constraining the Project’s objectives and failing to consider alternatives that would lessen the Project’s significant impacts, the DEIR for the Project fails to present a reasonable range of alternatives and thus violates CEQA.

1. The DEIR’s Narrow Project Objectives Prevent Consideration of Reasonable Alternatives.

The first step in conducting an alternatives analysis under CEQA is to define the project’s objectives. This step is crucial because project objectives “will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR.” CEQA Guidelines § 15124(b). The lead agency may not define project objectives so

108

narrowly as to make the proposed development a foregone conclusion. *Kings County Farm Bureau*, 221 Cal.App.3d at 736.

Here, the DEIR's project objectives include the following very specific directives:

- "[E]stablish the 2,710-acre WLC Specific Plan land use designations and development standards that will direct the development of a world-class corporate park specifically designated to support the logistics warehouse and operational needs of large companies and corporate users"
- "[D]esignate 1,084 acres of vacant land owned by the CDFW as Open Space"
- "Create a high-quality regional logistics center"
- "Create a major logistics center in Rancho Belago"
- "Establish a master plan for the entire project area to ensure that the project is efficient and business-friendly to accommodate the next-generation of logistics buildings"

108

DEIR at 6.2. The Alternatives analysis also states that "[t]he purpose of the proposed project is to establish the 2,710-acre WLC Specific Plan that will result in the development of 41.6 million square feet of high-cube logistics warehouse uses." *Id.* at 6-3.

Because these objectives specify the precise location and size of the Project site, as well as the specific use and footprint of buildings, they constrain the DEIR's alternatives analysis in violation of CEQA. In fact, they preclude *all* alternatives except building a massive logistics facility at the applicant's proposed location in Moreno Valley. As the DEIR explains, the only feasible alternative sites are ones that "could realistically support the proposed project (i.e., a contiguous 2,635-acre site for 41 million square feet of high-cube logistics warehouse uses as envisioned by the WLC Specific Plan)." *Id.* at 6-38. The document then proceeds to reject all potential alternatives sites, even those as large as 1,700 acres. *Id.* at 6-41 to 43.

109

In addition, though the DEIR frames "alternatives sites" as a considered alternative, the DEIR ultimately rejects all possible sites and fails to consider whether any alternative site would lessen environmental impacts. DEIR at 6-38 to 43. This alternative, unless more fully developed as required under CEQA, should be classified as an alternative considered but not carried forward. *Id.* at 6-3 to 4.

110

By designing the project objectives to make the selection of the applicant's site a foregone conclusion, the City failed to proceed according to law. Under CEQA, an agency cannot "avoid an objective consideration of an alternative simply because, prior to commencing CEQA review, an applicant made substantial investments in the hope of gaining approval for a particular alternative." *Kings County Farm Bureau*, 221 Cal.App.3d at 736. Rather, the agency must analyze a range of alternatives "even if these alternatives would impede to some degree the attainment of the project objectives." CEQA Guidelines § 15126.6(b). Here, the DEIR should have posited project objectives in a way that includes the public purposes of the project—as opposed to focusing narrowly on the developer's private objectives. Such an approach would allow an adequate discussion of off-site alternatives and consideration of how to meet these purposes with "minimal environmental expense." *Citizens of Goleta Valley*, 197 Cal.App.3d at 1179.

111

In sum, because the DEIR's narrow objectives for the Project prevent decision makers from evaluating a reasonable range of alternatives, including off-site options, the City violated CEQA. CEQA Guidelines § 15126.6(a); see *National Parks & Conservation Assn. v. Bureau of Land Management* (9th Cir. 2010) 606 F.3d 1058, 1072 (striking down a narrowly drawn statement of project objectives where it "necessarily and unreasonably constrain[ed] the possible range of alternatives" and "foreordain[ed] approval of the proposed project"). Because CEQA was patterned on the National Environmental Policy Act ("NEPA"), NEPA case law is treated as "persuasive authority" in interpreting CEQA. *Citizens of Goleta Valley*, 52 Cal.3d at 565, fn. 4.

112

2. The DEIR Fails to Identify Alternatives that Would Avoid or Substantially Lessen the Project's Significant Impacts.

In order to achieve the goals of CEQA, the discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. CEQA Guidelines § 15126.6(b). In this case, the DEIR authors have crafted a handful of environmentally inferior alternatives that, unsurprisingly, the document dismisses as creating more significant impacts or as infeasible. This approach is untenable, as the point of the alternatives analysis is to develop alternatives that *lessen* significant environmental impacts. *Laurel Heights I*, 47 Cal.3d at 403.

113

For example, the DEIR sets up Alternative 2 as a mix of logistics warehousing, light manufacturing, retail commercial, and office space on the same footprint as the proposed Project. DEIR at 6-5. The DEIR states that Alternative 2 is

114

intended to avoid or reduce impacts to traffic, air quality, and noise impacts. *Id.* at 6-29. However, because of the changes in use, “the volume of operational air pollution would be increased when compared to the proposed project.” *Id.* at 6-30. Similarly, “this alternative would *almost triple total traffic trips*” as compared to the proposed Project, with concomitant effects on operational noise. *Id.* at 6-30 to 31 (emphasis added); *see also id.* at 6-33 (“[T]he Mixed Use Alternative A would increase employment opportunities but would substantially increase traffic, noise, and air quality impacts.”). The City’s good intentions mean nothing when the crafted alternative substantially worsens the very impacts it was intended to address. In fact, the only possible reason for including this mixed-use option is to set up a straw man that can be knocked down.

114

The DEIR fails to explain the significant impacts that Alternative 3 is intended to address, noting only that “this alternative would develop the project site similar to the land use plan of the Moreno Highlands Specific Plan (MSHP) but with logistics warehousing on the 603 acres proposed for business, retail, institutional and other uses under the MHSP.” *Id.* at 6-34. However, the DEIR concludes that the alternative would increase traffic by 13 percent; it would also increase almost all air quality impacts and potentially expose new residents to health risks associated with diesel-related air pollution. *Id.* at 6-36 to 37. While the DEIR concludes that the alternative “would reduce a significant impact of the project (aesthetic—views) by substantially reducing the amount of warehousing on the site and replacing it with residential uses” (*id.* at 6-37), the DEIR offers no analysis to support this conclusion. As the project site would still be developed, albeit at a lower height, the impact to views from State Route 60, a designated scenic road, would still be significant. Consequently, this alternative also fails to address any of the significant impacts created by the Project.

115

The DEIR likewise sets up the reduced density alternative for failure. Under this alternative, the Project would permit only 29 million square feet of logistics warehousing (a 28 percent reduction in size), but allow the development to be spread across the same 2,635 acre footprint. DEIR at 6-6, 6-22. Because the footprint is identical, the alternative’s impacts related to construction pollution and noise, storm water runoff and hydrology, agricultural land, and scenic vistas and local scenic roads, among others, remain *exactly the same* as under the proposed Project. *Id.* at 6-27. To reduce impacts, it would have been far more logical to reduce the footprint of the Project, as described further below. Such an alternative would produce far fewer significant impacts, yet offer similar employment and other public benefits. For that reason, a reduced footprint alternative, as opposed to the reduced density alternative developed in the DEIR, would meet CEQA’s mandate to develop and analyze alternatives that lessen a project’s significant impacts. *Laurel Heights I*, 47 Cal.3d at 403.

116

To remedy the DEIR's faulty alternatives analysis, the City must broaden the objectives both to clarify the public purpose of the proposed Project and to permit the selection of options other than the applicant's proposal. At the same time, the City must develop alternatives that actually lessen the Project's significant impacts, particularly in the areas of air quality, noise, traffic, aesthetics, agriculture, climate change, hydrology, and biological resources. One possible alternative to address many of these concerns is to build a smaller logistics warehousing project on a reduced footprint. Such a configuration would require the development of less impervious surfaces and allow for an increased buffer between the Project and the San Jacinto Wildlife Area. This option would not only reduce the Project's impacts from storm water runoff and other edge effects,³ but also lessen its impact to agricultural land, as portions of the site could be retained in productive agriculture. A reduced footprint alternative must also remove the San Jacinto Wildlife Area/MSHCP lands from the scope of the Project. The San Jacinto Wildlife Area is not part of this Project. A reduced footprint alternative could also be sited to avoid the Project's severe impacts to scenic vistas and designated scenic roads. Finally, the reduced footprint alternative would have the same benefits related to air quality impacts, traffic, and noise as a reduced density alternative.

117

In particular, a reduced footprint alternative should be sited to leave significant amounts of land in agriculture to provide for local agriculture, thereby also reducing greenhouse gas emissions. Finally, given the severe impacts of the Project on air quality, traffic and noise, the DEIR must also include an alternative that would reduce truck traffic. In particular, the DEIR should identify alternative sites that could be served by existing or proposed rail corridors.

118

In sum, the DEIR must be revised to consider logical, environmentally superior alternatives. Its exclusive reliance on environmentally inferior or infeasible alternatives does not meet CEQA's mandate to provide decision makers with a reasonable range of options. *Citizens for Quality Growth*, 198 Cal.App.3d at 443-45.

119

E. The DEIR Must Be Recirculated.

Under California law, the present EIR cannot properly form the basis of a final EIR. CEQA and the CEQA Guidelines describe the circumstances which require recirculation of a draft EIR. Such circumstances include: (1) the addition of significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) the draft EIR is so "fundamentally and basically inadequate

120

and conclusory in nature that meaningful public review and comment were precluded.” CEQA Guidelines § 15088.5.

Here, both circumstances apply. Decision makers and the public cannot possibly assess the Project’s impacts, or even its feasibility, through the present DEIR, which is riddled with errors. Among other fundamental deficiencies, the DEIR repeatedly understates the Project’s significant environmental impacts and assumes that unformulated or clearly useless mitigation measures will effectively reduce these impacts. In order to resolve these issues, the City must prepare a revised EIR that would necessarily include substantial new information.

120

II. APPROVAL OF THE PROJECT WOULD VIOLATE THE STATE PLANNING AND ZONING LAW AND THE SUBDIVISION MAP ACT.

The State Planning and Zoning Law (Gov’t Code § 65000 *et seq.*) requires that development decisions be consistent with the jurisdiction’s general plan. As reiterated by the courts, “[u]nder state law, the propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” *Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806. Accordingly, “[t]he consistency doctrine [is] the linchpin of California’s land use and development laws; it is the principle which infuses the concept of planned growth with the force of law.” *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336.

General plans establish long-term goals and policies to guide future land use decisions, thus acting as a “constitution” for future development. *Leshner Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540. Specific plans and zoning then ensure implementation of the general plan. Gov’t Code § 65450; *see* Gov’t Code §§ 65850, 65860. The Subdivision Map Act likewise requires that subdivision maps be consistent with the general plan. Gov’t Code § 66473.5, 66474.

121

To promote coordinated land use policies and practices, state law requires local governments not just to formulate theoretical general plans, but also to conform their development and land use projects and approvals to those duly certified plans. *Citizens of Goleta Valley*, 52 Cal.3d at 570; *see also* Gov’t Code §§ 65860 (requiring consistency of zoning to general plan), 65454 (requiring consistency of specific plan to general plan), 66473.5 & 66474 (requiring consistency of subdivision maps to general plan), and 65867.5 (requiring consistency of development agreements to general plan). It is an abuse of discretion to approve a project that “frustrates[s] the General Plan’s goals and policies.” *Napa Citizens for Honest Gov’t*, 91 Cal.App.4th at 379. The project need

not present an "outright conflict" with a general plan provision to be considered inconsistent; the determining question is instead whether the project "is compatible with and will not frustrate the General Plan's goals and policies." *Id.* at 379.

121

For the reasons described in Parts I(C)(2) and I(D) above, the Project is inconsistent with the General Plan. Because of these inconsistencies, approval of this Project would violate State Planning and Zoning Law and the Subdivision Map Act.

In addition, the General Plan is legally inadequate because it contains a statement that the provisions of specific plans take precedence over provisions of the General Plan to the extent that the two documents are inconsistent. General Plan at 9-8. This General Plan provision fails to recognize that in the hierarchy of land use law, a specific plan is inferior to a general plan and therefore cannot take precedence over a general plan. Gov't Code § 65454. Specific plans must be consistent with the general plan, not the other way around. *Id.* Because this General Plan inadequacy implicates this Project, the Project cannot be lawfully approved. *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1187-88.

122

III. CONCLUSION

As set forth above, the WLC DEIR suffers from numerous deficiencies, many of which would independently render it inadequate under CEQA. Taken as a whole, the deficiencies of the DEIR necessitate extensive revision of the document and recirculation for public comment. Moreover, as currently designed, the Project conflicts with the General Plan, and therefore cannot be legally approved. Accordingly, we respectfully request that the City reevaluate this Project in light of its inconsistencies with the General Plan, and take no further action on it until a legally adequate EIR is prepared and circulated.

123

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Rachel B. Hooper

Laurel L. Impett (cc)

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cc: Susan Nash, Friends of Friends of the Northern San Jacinto Valley

SHUTE, MIHALY
& WEINBERGER LLP

RESPONSES TO LETTER F-8

Shute, Mihaly & Weinberger LLP

Page 1-2. Introduction to the commenter and project. It should be noted the Specific Plan (SP) area has been reduced from 2,710 acres to 2,610 acres (3.7 percent reduction) due to the removal of 100 acres in the southwest corner of the Specific Plan. This results in a reduction of 1 million square feet of logistics warehousing which is now 40.6 million square feet down 2.4 percent from the original 41.6 million square feet.

Response to Comment F-8-1. The commenter is generally correct regarding the characteristics of the project, and the Draft Environmental Impact Report (DEIR) has analyzed the traffic impacts of the project on local and regional roadways, and has recommended mitigation to the extent feasible to reduce these impacts. However, even with all the mitigation proposed, impacts at a number of intersections will remain significant, including many that must be mitigated through other agencies (which results in significant impacts because the measure would not be under the control of the lead agency).

Response to Comment F-8-2. The lead agency correctly chose to prepare a programmatic EIR for the World Logistics Center (WLC) project because specific development information (i.e., exact size and locations of buildings) is not known at this time, but the EIR clearly indicates there will be subsequent California Environmental Quality Act (CEQA) documentation tiered off the programmatic EIR, as outlined in Section 15168(c) of the State CEQA Guidelines. The project's overall hydrological impacts were evaluated in detail in Section 4.9, Hydrology and Water Quality, and that section concluded the WLC project would not have significant impacts on water resources, groundwater, flooding, etc. if the project was built on the design guidelines in the World Logistics Center Specific Plan (WLCSP) and implementation of the recommended mitigation measures.

Additional information has been added to DEIR Appendix J-1 *Hydrology and Water Quality Master Plan of Drainage Report Section 3.2, Proposed Drainage Systems* to provide more specific information for the drainage systems. In addition, Figure 1, *Proposed Storm Drains and Basins* and Figure 4, *Hydrology Map for Proposed Condition* were revised and Figure 8, *Typical Detention Basin* and Figure 9, *Typical Detention Basin with Drainage Spreading Structure* were added to provide additional information. Key elements of Section 3.2 *Proposed Drainage Systems* are summarized in Responses to Comments B-3-37 and B-3-39 in Letter B-3 from the California Department of Fish and Wildlife (CDFW).

Response to Comment F-8-3. Actually, Section 4.1, Aesthetics, of the DEIR concluded that aesthetic impacts of the project, including views from SR-60, would be significant. However, Mitigation Measures (MM) 4.1.6.3A has been modified as follows to help better locate buildings to reduce the blockage of views. While these changes will reduce potential impacts, they will not to less than significant levels.

4.1.6.3A ~~Prior to the issuance of any discretionary permit for development under the WLCSP, the developer shall provide a site plan, landscaping plan, and visual rendering(s) consistent with the WLCSP that demonstrate changes in views of Mount Russell, the Badlands, and/or Mystic Lake for travelers along SR-60 or Gilman Springs Road, as appropriate. The renderings shall be sufficient to demonstrate typical views based on proposed site and landscaping plans, but the location and number of view presentations shall be at the discretion of the City Planning Division. These views shall be simulated from a height of six feet from the edge of the roadway travel lane closest to the visual resource.~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

4.1.6.3A Each Plot Plan application for development shall include plans and visual rendering(s) illustrating any changes in views of Mount Russell and/or the Badlands, for travelers along SR-60, as determined necessary by the Planning Official. The plans and renderings shall illustrate typical views based on proposed project plans, with the location and number of view presentations to be determined by the Planning Official. These views shall be simulated from a height of six feet from the edge of the roadway travel lane closest to the visual resource. The renderings must demonstrate that the development will preserve at least the upper two thirds (67%) of the vertical view of Mt. Russell from SR-60.

Response to Comment F-8-4. CEQA actually encourages the assessment of potential environmental impacts of a project at the earliest possible time. Although there is not detailed information yet on the size and location of specific buildings, the EIR has been prepared to evaluate the programmatic overall impacts of the WLC project, as encouraged in Section 15168 of the State CEQA Guidelines. When specific buildings are proposed at specific locations in the future, additional analysis, consistent with tiering under CEQA, will be conducted to determine if the specific development will have new or more extensive impacts than those outlined in the WLCSP DEIR. This process is consistent with the goals and requirements of CEQA relative to programmatic and subsequently tiered project-level CEQA documents.

Response to Comment F-8-5. The WLCSP EIR does provide sufficient information for decision makers to make informed decisions on this project. As previously stated, this is a programmatic EIR and more detailed CEQA documentation will be prepared when more specific project information is available (i.e., the size and locations of specific buildings), as allowed under the tiering guidelines of CEQA.

Response to Comment F-8-6. The City evaluated the many comments received on the DEIR, including those of the commenter. This Final (F)EIR provides additional information, mainly in the form of responding to the many questions and comments received on the DEIR. However, this additional information does not rise to the level of significant new information, nor does it identify any new or substantially different significant environmental impacts from those identified in the DEIR. Therefore, the DEIR will not be recirculated. The analysis of alternatives is sufficient and meets the legal requirements of CEQA (for additional information refer to Responses to Comments F-1-87, F-3-29, F-6-1, F-8-107, -110, -112, -113, & 119, F-7A-10 & -66, F-9A-44 & -46, and F-15-101, -102, & -103. However, the City Council will consider all comments on the EIR before making a decision on the project.

Response to Comment F-8-7. the City's General Plan allows for revision and updating as needed, and the DEIR provides an analysis of General Plan consistency in each environmental topic (DEIR Sections 4.1 through 4.16). The WLC project does represent a fundamental change in the planned land uses for this area, however, the review and approval process for a Specific Plan, such as the WLCSP, always requires a review of existing General Plan policies to make sure the proposed action is consistent with the General Plan, or if a General Plan Amendment is required. Such was the case with the proposed WLC project.

Response to Comment F-8-8. The commenter is correct that the EIR is a programmatic CEQA document, but it is not correct that it defers analysis to a later date without sufficient analysis at this point. The project's potential overall impacts for each of the seventeen environmental issues identified in the EIR were examined based on the level of project information available at this time (e.g., street network, total amount of buildings, location of existing rural residences, etc.). The EIR clearly identifies the overall impacts, and also clearly indicates that more specific information and analysis will be provided at the appropriate time in the future (i.e., when specific building sizes and locations are proposed). The mitigation measures in the DEIR contain performance standards to mitigate impacts for future development which is appropriate in a programmatic EIR.

Response to Comment F-8-9. The commenter is likely correct that the most common EIR is a project-level document, which is appropriate when there is specific development information available on that project (i.e., sizes and locations of buildings). However, the commenter even acknowledges that “programmatic EIRs – and later tiering – are permitted only when a lead agency considers a wide-ranging set of policies or an over-arching land use plan.” That is precisely what the WLCSP is for the Rancho Belago area, an over-arching land use plan. Therefore, a programmatic EIR is the most appropriate CEQA compliance document for the WLC project.

Response to Comment F-8-10. Most of the comment quotes the CEQA Guidelines and several court cases regarding tiering and deferral of mitigation. In this case, the WLC project did not have enough information to prepare a project-level EIR (i.e., specific sizes and locations of buildings). Therefore, a programmatic EIR was the most appropriate CEQA document for the WLC project. The EIR did not defer substantial environmental analysis, all potential issues of overall development were analyzed in the DEIR. However, the EIR did clearly indicate that future development would need additional review to determine if there were any impacts that were new or substantially different than those identified in the DEIR, as encouraged under CEQA Guidelines Section 15168(c).

Response to Comment F-8-11. The commenter cites a court case that deals with tiering and the use of a programmatic vs. a project-level EIR. In this case, the WLC project did not have enough information to prepare a project-level EIR (i.e., specific sizes and locations of buildings). Therefore, a programmatic EIR was the most appropriate CEQA document for the WLC project, one which analyzed the WLCSP's environmental impacts to the extent that a non-speculative analysis is possible (see also Response to Comment F-8-10 above).

Response to Comment F-8-12. The commenter is correct that the project pending before the City consists of a General Plan amendment, a change of zone, a specific plan, the annexation of property into the City, a development agreement and a tentative parcel map for financing purposes only. The heart of the project approvals being sought is the WLCSP which, if approved, will set forth the rules, regulations, plans and other criteria which will govern the physical development of WLC site which is one of the situations where a program EIR may profitably be used (CEQA Guidelines § 15168(a)(3). If approved, the General Plan amendment, the change of zone and the annexation of land currently in an unincorporated portion of the County will allow the adoption of the Specific Plan. If approved, the development agreement will ensure that the terms of the Specific Plan will continue to govern the physical development of the project for the term of the development agreement. If approved, the tentative parcel map will create large lots which will be available for financing purposes. None of the approvals will allow any physical development.

Further, as required by the case law interpreting CEQA, the program EIR has, to the greatest extent possible, analyzed the impacts on the environment which can be expected from the physical development of the project based on the information currently known. However, the details of the facilities to be constructed as part of the project – the number, size and location of individual buildings is currently unknown. However, because the details of physical development are not currently known, performance standards and criteria for the projects impacts on the environment have been specified where appropriate. As pointed out above, none of the actions currently pending before the City will allow any physical development; separate approvals and permits will be required before that can occur and, to the extent that those approvals and permits are discretionary, and virtually all of them will be, additional CEQA review will be required. The use of the program EIR allows the City to utilize the requirements set forth in CEQA Guidelines Section 15168(b) through the procedures set out in Sections 15168(c) and (d).

The City will determine if the proper CEQA document is being provided and the City Council will certify that the approach and all aspects of CEQA are carried out to meet the letter of the law. All

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

comments on the EIR and the project will be considered by the City Council as part of that determination.

Response to Comment F-8-13. The commenter is correct that a development agreement provides vested rights. However, those rights are limited to those “policies, rules and regulations” in effect at the time that the development agreement is approved (Government Code § 65866). The EIR prepared for the project has, to the greatest extent possible, analyzed the environmental impacts which are likely to result from development of the project to the extent that those impacts can be identified at the planning stage, leaving only those impacts which are specific to the development of particular parts of the project for later environmental review when the details of the development become known.

Response to Comment F-8-14. The commenter is correct that the approval of subdivision map is a form of land use approval. However, the approval of a subdivision map which allows no development cannot lead to any environmental impacts which have not already been considered in connection with the plans for the project itself. See CEQA Guidelines Section 15378(c) which states that the term “project” refers to the entirety of the action being approved and not to individual approvals of component parts.

Response to Comment F-8-15. The primary project approvals currently being sought consist of a general plan amendment, a rezoning, a specific plan, and a development agreement. There are no current or future approvals which will allow any physical development of the WLC site without the submittal of discretionary applications to be first reviewed and approved by the City. The DEIR deals with a specific geographic area, the first in a chain of required approvals, rules, regulations and plans which will govern the development of the WLC site for the life of the development agreement and a project which will be carried out under the same regulatory enactments. Thus, all of the criteria set forth in CEQA Guidelines § 15168(a) for the use of a program EIR are satisfied.

Response to Comment F-8-16. The DEIR Section 4.0 Aesthetics and specifically Figures 4.1.5A-F provide the visual renderings along the existing project boundary with Redlands Blvd., Merwin St. and Bay Ave. While the programmatic DEIR does not have building locations, these renderings depict a conceptual building envelope located at the minimum building setback, the maximum building height and white building color. This results in a worst case scenario for the view impacts as it places the potential building(s) as close to the project boundary, and as high as allowed in the project Specific Plan.

MM 4.1.6.1B requires that future plot plans provide landscape plans and visual renderings along these same project boundaries to demonstrate the same or lesser visual impacts as analyzed in the programmatic DEIR. This mitigation measure allows the City an opportunity to demonstrate consistency with the impacts evaluated in the programmatic DEIR.

Response to Comment F-8-17. A glare analysis requires knowledge of the building locations, building orientation, and the configuration of the solar system needed to support the demand. These are all factors unknown at the programmatic level, but can and will be evaluated at a future project level (plot plan) review (per MM 4.1.6.4B).

Response to Comment F-8-18. In response to comments regarding American badger. Refer to Response to Comment F-7A-55. Project biologists conducted focused surveys in 2013 for burrowing owl and Los Angeles pocket mouse (LAPM). The WLCSP contained a single pair of burrowing owl. No LAPM were identified during the 2013 survey and are therefore considered absent from the WLCSP.

Response to Comment F-8-19. All identifiable and potentially jurisdictional drainages on the site were mapped and included in the revised DEIR Section 4.4.6.3 and the draft wetland delineation

(FCS-MBA 2013 – FEIR Volume 2, Appendix E-13). Currently regulatory jurisdiction of the features is based on the existing regulatory guidance including the Regional Supplement to the United States Army Corps of Engineers (USACE) Wetland Delineation manual: Arid West Region (2008) and Rapanos guidance. Prior to any future development, specific project proposals will have to undergo separate environmental review under CEQA and will be required to secure a formal jurisdictional determination from the USACE as well as jurisdictional determinations from the Regional Water Quality Control Board (RWQCB) and CDFW. The applicant shall secure a jurisdictional determination with the USACE and confirm with the RWQCB and CDFW if drainage features mapped on the property are subject to jurisdictional authority and protection. If the features are subject to regulatory protection, the applicant will secure permit approvals with the appropriate agencies prior to initiation of construction.

Any impact to drainage features that are under regulatory agency jurisdiction or are considered riparian/riverine areas under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) are considered potentially significant and will require compensatory mitigation at a minimum of a 1:1 mitigation ratio through onsite creation, off-site creation, or purchase of available mitigation credits through an approved mitigation bank. Compensatory mitigation will be negotiated during the permit acquisition process.

A Compensatory Mitigation Plan may be required for all unavoidable impacts and will be consistent with the USACE/ United States Environmental Protection Agency's (USEPA) Compensatory Mitigation for Losses of Aquatic Resources; Final Rule and the USACE's Standard Operating Procedure for Determination of Mitigation Ratios.

Response to Comment F-8-20. DEIR 4.6 Geology and Soils and technical studies have adequately identified and address the potential geologic/geotechnical and fault constraints associated with this project. The soils report (Leighton, 2013, FEIR Volume 2, Appendix G) clearly indicates that the site is considered suitable for the proposed development provided all identified potential constraints are mitigated or address per the recommendations included therein. It is rather typical of such EIR level studies and in the absence of design level site development plans, including building loads and locations, that additional supplemental studies/reports will be prepared to further define the extent of corrective measures needed. These measures may include determining the depth of remedial grading and structural setbacks from existing faults, as in the case of this project. However, the overall geologic/geotechnical constraints associated with the project were extensively evaluated and defined. Future design level investigations (MMs 4.6.6.1A and 4.6.6.1B) will be performed to further confirm and refine the selected mitigation measures based on actual building loads and locations.

Response to Comment F-8-21. The revised DEIR (FEIR Volume 2) contains an updated drainage study conducted by CH2M Hill that documents the existing on-site drainages and how they will be contained within the WLCSP. The DEIR contains a conceptual grading plan in Section 3.4.12, Figure 3.18. It should be remembered that the EIR is a programmatic document because the level of information about the project is programmatic as well, so there is no detailed grading or development information available at this time.

Response to Comment F-8-22. Please see Responses to Comments F-8-13 through F-8-15.

Response to Comment F-8-23. The EIR does not need to be rewritten to a project EIR because there is still not enough information available to complete a project EIR (see Response to Comment F-8-10 for details). The project approvals are not entitlements they consists only of planning designations and zoning which will allow a later determination of whether specific improvements will be allowed.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-8-24. The WLC EIR does have a complete project description (78 total pages with 18 figures and 4 tables) including a detailed description of what the Specific Plan will allow (DEIR Section 3.0). The Project Description also included information on water conservation, energy conservation, examples of architectural styles that are acceptable and those that are not acceptable, landscaping and lighting guidelines for onsite and offsite improvements, enhanced buffer treatments adjacent to residential areas (e.g., walls, berms, landscaping, etc.), proposed entitlements, existing land uses, alternative fueling, the proposed fire station, the proposed circulation plan with street cross sections and planned improvements, non-vehicular circulation, offsite improvements, wet and dry utility improvements, sustainability including solar panels, phasing, implementation, etc. However, even with all this information about the project, there is still not a sufficient degree of information about specific buildings or locations to allow the use of a project EIR, again, a programmatic EIR is the most appropriate CEQA document for this project at this time. For additional information, see the Response to Comment F-8-10.

Response to Comment F-8-25. The commenter is correct, this EIR is an opportunity to evaluate the large issues of the WLC project which is why a programmatic EIR is the most appropriate CEQA compliance document for this project. The commenter is also correct that subsequent development proposals, for which there will be more specific information (i.e., building sizes and locations), will have subsequent project-level CEQA analysis tiered off of this programmatic EIR.

Response to Comment F-8-26. The DEIR evaluated the project assuming it was built out over a period of 10 years (build out in 2022). Market conditions will determine the actual development timeline, but it is unlikely that it will be built out any sooner. The updated DEIR has modified the project construction period from 10 years to 15 years. This change is the result of nearly 2 years having already passed since the issuance of the Notice of Preparation in the baseline year of 2012, placing an optimistic construction start in 2014; leaving only 8 years for project build out. Given the project delays reasonable project construction start is likely 2015 and a 15 year construction period would place the project build out in 2030. The updated DEIR evaluated two project time periods for phasing; Phase 1 at the mid-point of anticipated project construction (2022); and Phase 2 at project buildout (2030).

Phase 1 is assumed to occur on the western half of the project and Phase 2 on the eastern half. Most of the existing utilities and infrastructure are on the west side of the project, so a progression from west to east is logical. The DEIR evaluated the project impacts based upon this phasing assumption.

The programmatic DEIR has identified the backbone utility and infrastructure improvements and evaluated their environmental impacts integral for project buildout; therefore the full environmental impacts have been evaluated. Subsequent project level (plot plan) submittals will provide project level environmental review and provide subsequent mitigation measures and conditions of approval, identifying the utilities and infrastructure required to support each plot plan. This subsequent review will ensure the project level impacts are consistent with those evaluated in the programmatic DEIR and will dictate a logical and viable sequence of infrastructure improvements.

The burden is on the developer to ensure the infrastructure is either in place prior to or concurrent with the project development. The mitigation measures and project level conditions of approval will dictate the improvements needed to support the pace of development and in most cases these measures require installation by the developer.

The programmatic EIR establishes the parameters and framework that subsequent project level submittals will adhere to in the design of each individual building and planning area. For example the DEIR establishes the use of detention basins to mitigate runoff to levels equal or below those of the existing conditions to mitigate the increase in impervious area and runoff. Subsequent project level submittals, with precise building size and location, will dictate the size, design and location of the drainage improvements to mitigate to the criteria established in the DEIR.

Response to Comment F-8-27. For information about the phasing of infrastructure by phase, refer to Response to Comment F-8-26 above. As noted in the comment the location and sizes of utility lines for the water, wastewater, flood control, drainage, and electrical have been shown. This is consistent with what should be included in a programmatic EIR. Detailed construction plans will be prepared as each parcel is developed. The design will be consistent with the concepts shown in the Specific Plan and EIR. As noted in the Response to Comment F-5-23 additional detail on the storm drain sizes of the detention and infiltration basins has been added. In addition, MM 4.9.6.1A has been revised to provide more detail and performance requirements and MM 4.9.6.1B has been added to provide additional detail and requirements for maintenance. These mitigation measures are described in detail in Response B-3-37 and B-3-39 in Letter B-3 from the California Department of Fish and Wildlife related to their comments on flooding and water quality.

Response to Comment F-8-28. The commenter questions why the DEIR identifies significant impacts, while providing no assurance that the many needed improvements to local and regional roadways would keep pace with development.

MM 4.15.7.4A in the FEIR (and MM Trans-1 in the Traffic Impact Analysis (TIA)) sets forth a requirement for the preparation of subsequent traffic studies for each plot plan application for the purposes of determining what traffic improvements identified in the EIR (and TIA) are required to be completed prior to the issuance of a certificate of occupancy for each building. The scope and depth of the subsequent traffic studies described in MM 4.15.7.4A (and MM Trans-1 in the TIA) will be as specified in the City of Moreno Valley *Traffic Analysis Guidelines*. These studies will be required as part of the project approval process. Both of these elements are part of MM 4.15.7.4A (and MM Trans-1 in the TIA) which has been re-written as follows (added text shown in double underline; deleted text shown in strikeout) to clarify this:

~~**4.15.7.4A** When processing future individual development permits under the World Logistics Center Specific Plan, as part of the City's discretionary approval process, the City shall require each project to perform a project specific traffic impact study to ensure that the assumptions set forth in the TIA prepared for the programmatic level entitlement remain valid. These traffic impact analyses shall conform to the traffic impact analysis guidelines prepared by the City of Moreno Valley and the California Department of Transportation and shall be used to impose project-specific mitigation on the individually proposed projects. These traffic analyses shall be completed prior to the issuance of grading permits for the requested development. It should be noted that the City will require that the applicant to fully fund or to pay a fair share of some of the improvements identified in Tables 4.15.AX through 4.15.BC. These improvements will be required by the City as a Condition of Approval.~~

4.15.7.4A A traffic impact analysis ("TIA") conforming to the guidelines for traffic impact analysis adopted by the City shall be submitted in conjunction with each Plot Plan application within the World Logistics Center Specific Plan. Prior to the approval of the Plot Plan, the City shall review the traffic impact analysis to determine if any of the traffic improvements listed in Final EIR Volume 2 Tables 4.15.AV through 4.15.BA (TIA Tables 74 through 79) of the traffic impact analysis prepared for the Program Environmental Impact Report are required to be completed prior to the issuance of a certificate of occupancy for each building. If the City determines that any of the improvements within Moreno Valley are required to be constructed in order to ensure that the traffic impacts which will result from the construction and operation of the building will be mitigated into insignificance, then the completion of construction of the improvements prior to the issuance of a Certificate of Occupancy for the building shall be made a Condition of Approval of the Plot Plan. Construction of improvements

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

within the City shall be subject to credit/reimbursement agreement for those DIF and/or TUMF eligible costs. If the City determines that any of the improvements outside Moreno Valley are required to be constructed in order to ensure that the traffic impacts which will result from the construction and operation of the building will be mitigated to a less than significant level, then the payment of any necessary fair share contribution as prescribed in Mitigation Measure 4.15.7.4G prior to the issuance of a Certificate of Occupancy for the building shall be made a Condition of Approval of the Plot Plan. If the City determines that the traffic impacts which will result from the construction or operation of a building will be significantly more adverse than those shown in the Program Environmental Impact Report, further environmental review shall be conducted prior to the approval of the Plot Plan pursuant to Public Resources Code § 21166 and CEQA Guidelines § 15162 to determine what additional mitigation measures, if any, will be required in order to maintain the appropriate levels of service.

Response to Comment F-8-29. The commenter points out the DEIR does not analyze the impacts of various offsite improvements, mainly 3 reservoirs. First, it must be remembered the DEIR is a programmatic document and specific details of development, including specific details of the reservoirs and other offsite improvements, cannot be provided at this time since they have not yet been designed. However, several sections of the DEIR do indicate there may be impacts from the various offsite improvements and recommend specific mitigation measures to address design of such facilities in the future.

The following sections and mitigation measures in the DEIR address offsite improvements:

- | | | |
|--------|----------------------|--|
| • 4.4 | Biological Resources | MM 4.4.6.3B, C, and D (offsite bio surveys) |
| • 4.5 | Cultural Resources | MM 4.5.6.1B (offsite surveys) |
| • 4.6 | Geology & Soils | MM 4.6.6.1C (offsite surveys) |
| • 4.12 | Noise | MMs 4.12.6.1I and 4.12.6.2A - 4.12.6.2D
(offsite noise assessments) |
| • 4.15 | Transportation | MMs 4.15.7.4A and 4.15.7.4E (offsite impacts) |

Implementation of these measures (as modified in the FEIR) as future development is proposed will help protect environmental resources and minimize potential environmental impacts of constructing the various offsite improvements.

Response to Comment F-8-30. The DEIR does identify the infrastructure needed to support overall development of the site, so that subsequent more specific development proposals will fit within the overall identified improvement networks. The project description does describe the general improvement levels needed to support the WLC project (DEIR, Section 3.4.6.3, Utilities and Improvements).

Response to Comment F-8-31. The commenter states the DEIR does not provide enough information about the proposed General Plan Amendment. With a Specific Plan, the anticipated changes to the General Plan are easier to see as the Specific Plan itself provides much detail relative to the various General Plan Elements. For example, the General Plan Land Use Element (i.e., City land use plan) would be amended to include the land uses outlined in the Specific Plan. Similarly, the Circulation Element would be amended to reflect the Circulation Plan outlined in the Specific Plan. The City's Park and Open Space Plan would be amended, per the land use plan of the Specific Plan, to include the new 74.3 acres of open space in the southwest corner of the WLCSP property, and the CDFW Conservation Area just south of the WLCSP would be redesignated as open space rather than as currently shown as mixed residential development under the Moreno Highlands Specific Plan. These changes in open space would also be reflected in the General Plan Land Use Element.

Response to Comment F-8-32. The DEIR does address the potential changes to the General Plan under appropriate specific environmental issues discussed in Sections 4.1 through 4.16 of the DEIR. For example, land use impacts, including changes to the Land Use Element, are addressed in detail in DEIR Section 4.10, Land Use and Planning – Table 4.10.E which compares the project to various General Plan land use policies. The WLC project is compared to appropriate General Plan policies in the other sections of the DEIR by environmental topic (e.g., noise, cultural, etc.).

Response to Comment F-8-33. The comment references sections of the CEQA Statute and Guidelines and a court case that deal with mitigating significant impacts. However, the EIR does provide extensive mitigation for identified impacts for many of the environmental issues addressed in the EIR. These measures are tailored to a programmatic document and subsequent development proposals will be tiered off this programmatic document. See the Response to Comment F-8-10 above for more details in this regard.

Response to Comment F-8-34. See Responses to Comments F-8-10 and F-8-33 above for more information about mitigation measures.

Response to Comment F-8-35. The EIR mitigation measures are programmatic due to the entire EIR being programmatic, but they are sufficient to address the impacts identified in the EIR. Future development proposals will have subsequent CEQA analysis tiered off this EIR as appropriate, once more specific development information is available, as allowed under Section 15168(c) of the CEQA Guidelines.

Response to Comment F-8-36. DEIR Appendix J-1 *Hydrology and Water Quality Master Plan of Drainage Report* has been updated to provide additional information on the existing drainage and local flooding, and additional information on the runoff and infiltration volumes pre and post project. In addition changes to the mitigation measures were made. Please see Response to Comment F-5-23 for changes to the mitigation measures. In addition, the planned changes to the hydrology study and Section 4.9, Hydrology and Water Quality, of the DEIR are also discussed in Responses B-3-37 and B-3-39 in Letter B-3 from the California Department of Fish and Wildlife.

Key findings of the existing conditions and runoff and infiltration volumes are summarized below.

Existing Drainage Conditions

The storm water runoff from the project generally flows in a southerly direction to the San Jacinto River. A topographic divide located west of Theodore Street separates storm water flows to the San Jacinto River in two directions. Runoff east of the divide flows through the San Jacinto Valley at a gradient ranging from 1 to 2 percent to the San Jacinto Wildlife Area and ultimately drains toward the Gilman Hot Springs hydro-subarea. Runoff west of the divide flows to the Perris Valley Storm Drain at a gradient ranging from 1 to 2 percent and ultimately drains toward the Perris Valley hydro-subarea. Both hydro-subareas eventually flow to the San Jacinto River, approximately 10 miles south of the project site.

Offsite flows tributary to the project site originate from the upstream Badlands and open space, specifically from north of SR-60 and Gilman Springs Road. For the hydrologic analysis and modeling purposes, the project onsite area along with the offsite tributary areas are divided into six (6) sub watersheds, named Watershed “A”, Watershed “B”, Watershed “C”, Watershed “D”, Watershed “E”, and Watershed “F”, shown on Figure 3.

Watershed “A”

Watershed “A” is located within Riverside County Flood Control and Water Conservation District (RCFCWCD) Moreno Master Drainage Plan (MMDP) area. RCFCWCD is currently preparing a revised MMDP. The MMDP indicates that storm flows north of SR-60 will be routed to the proposed Sinclair Basin and Redlands Basin. Flows released from the proposed basins will pass under SR-60

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

and be conveyed to MMDP Line “F” as shown on Figure 2. Because it is unknown when these basins will be constructed, this study is prepared with the assumption that the basins are not in place prior to this project, and the offsite flows will be conveyed to MMDP Line “F” directly.

Downstream of SR-60 MMDP Line “F” is a 12-foot wide by 8-foot high reinforced concrete box (RCB) that conveys runoff from the existing culverts under SR-60: one triple 4-foot × 2-foot RCB, two double 48-inch corrugated metal pipe (CMP), one double 72-inch CMP, and one 42-inch RCP (with a 36-inch Riser), as shown on Figure 6. The capacity of the existing culverts are summarized in Table 2.1. Runoff north of SR-60, in excess of the capacities of the existing culverts, ponds north of SR-60 and flows towards the intersection of SR-60 and Redlands Blvd. An existing 42-inch RCP conveys the runoff into the existing ditch along Redlands Blvd. Since the 42-inch RCP does not have enough capacity to convey all of the offsite flows, the flows then sheet flow to the south. As a result, the interchange of SR-60 and Redlands Blvd may be flooded in a significant storm event. Ultimately the flows upstream of SR-60 will be less once RCFC&WCD constructs the master plan detention basins located north of SR-60.

Table 2.1 SR-60 Culverts

Culvert	Size/Material	Node	Culvert Capacity* (cfs)	Tributary 100-year Flow (cfs)	Adequate to Convey 100-year flow
1	Triple 4' by 2' RCB	91	265	213	Yes
2	Double 48" CMP	76	250	715	No
3	Double 48" CMP	81	300	285	Yes
4	Double 72" CMP	81	805	557	Yes
5	42" RCP (36" Riser)		177	**	
Total			1797	1770	Yes

* Hydrology calculations based on a 100-year Water Surface Elevation of 1768.7 for all 5 culverts.

** Excess flows from Culvert 2 will pond at culvert 2.

The outflow from Line “F” south of Eucalyptus Avenue sheet flows via a spreading area into the agricultural land downstream. Flows then sheet flow across the agricultural land to the southwest corner of the project at Alessandro Boulevard and Merwin Street. The agricultural fields have been configured to direct runoff away from homes to the southwest. Flows leave the project boundary via a culvert under Alessandro Boulevard which outlets to an existing ditch, as shown on Figure 3.

The capacity of the existing ditch south of Alessandro Blvd was evaluated and varies from 75 cubic feet per second (cfs) to 390 cfs. Just south of the culvert at Alessandro Blvd, the existing ditch is trapezoidal with a depth of approximately 4 feet and capacity of 390 cfs. The capacity of the ditch is 75 cfs about 70 feet south of the Alessandro culvert where the ditch is 2 feet deep. The ditch capacity remains at 75 cfs with a depth of 2 feet until after it crosses Cactus Avenue. About 160 feet downstream of the culvert, the ditch transitions to a v-ditch 3 feet deep with a capacity of 165 cfs. The v-ditch extends southwest for approximately 100 feet and cross the Redland Blvd. Flows unable to be contained in the ditch will overtop the ditch into the agricultural area on the east and along Merwin Street on the west. Water in Merwin Street will turn west and flow into the residential streets and could cause flooding in a significant storm event. Further downstream, the runoff flows to the Greenbelt Channel located south of Cactus Avenue. The Greenbelt channel ultimately drains to the Perris Valley Storm Drain.

Watershed “B”

Watershed “B” drains a total of 1,361 acres, of which 92 acres is offsite flow from north of State Route (SR) 60 and 104 acres is offsite flow at the southerly end of the project. The total onsite area is 1,165

acres, of which approximately 90 percent is pervious and 10 percent is impervious. The drainage area is divided into two sub areas by Theodore Street. Flows to the west of Theodore Street, consisting of 398 acres of onsite area and 104 acres of offsite area, drain to the ditch on the west side of Theodore Street. The 92 acres of offsite area flows to the ditch along the east side of Theodore Street. Onsite flows on the east side of Theodore Street sheet flow in a southerly direction through the project area. The ditches are vegetated with bottom widths varying from 1 to 2 feet and depths varying from 1 to 3 feet. The existing capacity of the ditch at the project boundary is 55 cfs. Flows greater than 55 cfs will sheet flow through the project area and leave the project boundary in a sheet flow condition.

Watershed “C”

Watershed “C” drains a total of 1,061 acres, of which 658 acres is offsite flow from north of State Route (SR) 60. The total onsite area is 403 acres, of which approximately 90 percent is pervious and 10 percent is impervious. The drainage area is divided into two watershed areas. The majority of the watershed, 944 acres, drains to a watercourse which exits the project area. A small portion of onsite flow, 117 acres, sheet flows offsite. The natural drainage course in Watershed “C” is vegetated, with an average bottom width of approximately 3 feet and a depth of approximately 2 feet. The existing capacity of the drainage course is 165 cfs. Flows greater than 165 cfs will sheet flow across the area. The drainage course drains southerly through the project boundary.

Watershed “D”

Watershed “D” drains a total of 965 acres, of which 627 acres is offsite flow from north of Gilman Springs Road. The total onsite area is 338 acres, of which approximately 90 percent is pervious and 10 percent is impervious. The drainage area is divided into two sub watersheds. The majority of the watershed, 754 acres, drains to a watercourse which exits the project area at Node 53. A portion of onsite flow, 211 acres, sheet flows offsite at Node 61. The natural drainage course in Watershed “D” is also vegetated. Its bottom width varies from approximately 1 to 3 feet, and its depth varies from approximately 1 to 2 feet. The existing capacity of the drainage course is 65 cfs. Flows greater than 65 cfs will sheet flow across the area. The drainage course ends east of the existing gas facility. It is estimated that when significant storm events occur, the runoff ponds locally and eventually drains southwest.

Watershed “E”

Watershed “E” drains a total of 2,510 acres, of which 2,430 acres is offsite flow from north of Gilman Springs Road. The total onsite area is 80 acres, of which approximately 90 percent is pervious and 10 percent is impervious. The natural drainage course in Watershed “E” has a bottom width varying from approximately 20 to 30 feet and depths varying from approximately 10 to 15 feet. The majority of this channel is vegetated, with a few locations of erosion. Approximately 1,500 feet north of the southerly project boundary, another natural drainage course confluent with the earthen channel forming a “V” shape junction. The junction is moderately eroded.

Watershed “F”

Watershed “F” drains a total of 445 acres, of which 288 acres is offsite flow from north of Gilman Springs Road. The total onsite area is 157 acres, of which approximately 90 percent is pervious and 10 percent is impervious. The drainage area is divided into four sub areas. The first sub area, 99 acres consists entirely of onsite flow which sheet flows off site. The second sub area drains 121 acres, of which 72 acres is offsite area. The third subarea drains 151 acres, including 146 acres of offsite area. The last sub area drains 74 acres, of which 70 is offsite area. The flow from these sub areas will ultimately drain to San Jacinto Wildlife Area. The main natural drainage course in Watershed “F” is located approximately 500 feet west of Gilman Springs Rd. The drainage course is vegetated, with bottom widths varying from approximately 5 to 10 feet, and depths varying from

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

approximately 1 to 3 feet. The capacity of the existing water course is 70 cfs. The remaining flow sheet flows offsite.

These natural drainage courses in Watersheds “B” through “F” drain into the San Jacinto Wildlife Area downstream. The majority of the project site sheet flows through the project’s southerly boundary.

Existing Culverts along Gilman Springs Road

Within the project vicinity, there are ten (10) existing cross culverts located in Gilman Springs Road, as shown on Figure 7. Field visits by CH2M HILL staff found that most of the existing culverts were partially or completely blocked by sediment and debris allowing little flow from the culverts to enter the project site.

In order to confirm if the existing culverts are sized appropriately to convey the offsite flow, the existing culvert capacities were analyzed using the inlet control capacity analysis chart. The results of the analysis are included in Appendix D, and summarized in Table 2.4. The analysis indicated that many of these culverts are undersized to convey the tributary 100-year flows even with proper maintenance, exclusive of culverts No. 2 and No. 7. Storm water unable to be conveyed by the culverts currently flows to the existing ditches along the road, overtop the road and flow into the downstream natural drainage courses. The detailed flow patterns at these culverts were analyzed and summarized in Table 2.5 and shown on Figure 7.

At Culvert No. 1, there is no existing ditch on either side of road. A total of 60 cfs offsite flow is tributary to the culvert, 20 cfs of the flow is conveyed through the 24-inch CMP, and 40 cfs overtops the road and flows to the natural drainage channel downstream. The impact to the downstream ditch is negligible due to the small amount of flow.

At culvert No. 3, a total of 370 cfs flow is generated from offsite, 40 cfs is conveyed through the 36-inch CMP, and 330 cfs is conveyed along the existing ditch on the north side of road, eventually flowing to Culvert No. 4. At Culvert No. 4, a total of 170 cfs of flow comes from the offsite tributary area. One hundred (100) cfs is conveyed through the 48-inch CMP. The remaining 70 cfs combines with the 330 cfs of flow from Culvert No. 3 and overtops the road, draining to the natural channel downstream. The natural channel has a capacity of 365 cfs; therefore the flow will be spread beyond the top of bank.

At Culvert No. 5, a total of 1,370 cfs is generated from offsite, 370 cfs is conveyed through the 7-foot × 6-foot RCB, 95 cfs flow along the existing ditch towards Culvert No. 6, and 900 cfs overtop the road draining to the natural channel downstream. The natural channel has a capacity of 330 cfs, the additional flow will overtop the channel and Alessandro Blvd, and then sheet flow to the south. At Culvert No. 6, with a total of 650 cfs offsite flow, 130 cfs is conveyed through the 4-foot x 4-foot RCB, 24 cfs is conveyed along the existing ditch along the road, and 540 cfs overtop the road flowing to the downstream channel. Due to the large amount of offsite flow and small capacity of the existing channel, the flow will overtop the existing Alessandro Blvd.

At Culvert No. 8, with a total of 55 cfs offsite flow, 45 cfs is conveyed through the 24-inch CMP, and 10 cfs overtop the road draining to the downstream natural channel. The downstream channel has a capacity of 75 cfs; therefore the excess flow will be contained within the natural channel. At Culvert No. 9, with a total of 140 cfs offsite flow, 20 cfs flow is conveyed through the 24-inch CMP, 112 cfs is conveyed along the existing ditch north side of street, and 8 cfs overtop the road and drain to the existing natural channel downstream. The channel has a capacity of 1,600 cfs; therefore the impact of 8 cfs is considered negligible. At Culvert No. 10, with a total of 70 cfs offsite flow, 20 cfs are conveyed through the 24-inch CMP, the remaining 50 cfs combine with 112 cfs flow from the upstream ditch overtop the road, 6 cfs drains to the existing ditch south side of the road, and the remaining flows to the natural drainage channel downstream, which has a capacity of 1,000 cfs.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

When larger storm events, such as a 5- or 10-year storm, occur; Gilman Springs Road may be flooded. Even with proper maintenance to remove the existing sediment and debris to operate at full capacities, there will be excessive offsite flow overtopping the road and entering the project site in a 100-year storm.

Table 2.4 Gilman Springs Road Culvert Capacity Analysis

Culvert	Size/Material	Node	Tributary 100-yr Flow (cfs)	Culvert Capacity * (cfs)	Adequate to Convey 100-year flow
1	24" CMP	341	60	20	No
2	36" CMP	351	15	50	Yes
3	36" CMP	51	370	40	No
4	48" CMP	52	170	100	No
5	7'x6' RCB	71	1,360	370	No
6	4'x4' RCB	721	650	130	No
7	36" CMP	921	20	70	Yes
8	36" CMP	91	55	45	No
9	24" CMP	101	140	20	No
10	24" CMP	111	70	20	No

Note: see Figure 1 for the locations of existing culverts.

** Assuming culverts cleared of sediment and debris.*

Table 2.5 Gilman Springs Road Flow Analysis

Culvert	Size/ Material	Tributary 100-yr Flow (cfs)	Culvert Capacity* (cfs)	Delta flow (cfs)	Flow @ N Side of Road (cfs)	Flow @ S Side of Road (cfs)	Flow over Road (cfs)
1	24" CMP	60	20	40	-	-	40
2	36" CMP	15	50	-	-	-	-
3	36" CMP	370	40	330	330	-	-
4	48" CMP	170	100	70	-	-	400
5	7'x6' RCB	1360	370	990	44	65	900
6	4'x4' RCB	650	130	520	24	-	540
7	36" CMP	20	70	-	24	-	-
8	36" CMP	55	45	10	-	-	10
9	24" CMP	140	20	120	112	-	10
10	24" CMP	70	20	50	-	6	160

** Assuming culverts cleared of sediment and debris.*

Runoff and infiltration Volumes Comparisons

An analysis of the runoff and infiltration volumes for the pre and post project conditions was performed as outlined in Appendix H of the Master Plan of Drainage Report and discussed in Response to Comment F-8-2.

The Main differences between Pre and Post Project conditions, presented in Figures 3 and 4 of the World Logistics Center Specific Plan Infiltration Analysis document (CH2M HILL, 2013), are the shift between runoff and direct infiltration, and the reduction in evapotranspiration. Under Pre Project

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

conditions, approximately 82 percent of the precipitation, which was on average 2010 acre-feet per year (af/yr) for the 1990 through 2012 period, becomes infiltration. The Post Project Conditions will reduce the direct infiltration to approximately 13 percent of the precipitation. The reduction in direct infiltration will be compensated by reduction in evapotranspiration and the implementation of Bioretention areas and Detention Basins.

The reduction in evapotranspiration to approximately 2 percent of the total precipitation from the original 15 percent will be the result of the project and drought-tolerant landscaping implementation. With less water consumed by vegetation, more will be available for infiltration. The implementation of bioretention and detention basin areas will together make it possible that 92 percent to 97 percent of the precipitation will be infiltrated, a range that is consistent with the historical infiltration at the site. The remaining direct infiltration, reduction of evapotranspiration, and implementation of bioretention and detention basins can potentially not only offset the direct loss in infiltration when compared to baseline, but also increase the infiltration at the proposed project site.

Response to Comment F-8-37. It is not clear why the commenter is referring to the Initial Study, however Section 4.8, *Hydrology and Water Quality*, of the revised DEIR (FEIR Volume 2) adequately describe the hydrological regime of the project area.

Response to Comment F-8-38. Additional information on potential flooding at Gilman Springs Road and Merwin Street and Alessandro Boulevard was added to the report. See Response to Comment F-8-36 and also FEIR Volume 2, Appendix J-1.

Response to Comment F-8-39. Additional information on the amount of existing impervious surfaces was added to DEIR Appendix J-1 *Hydrology and Water Quality Master Plan of Drainage Report Section 2.2*. See Response to Comment F-8-36 that describes information from this section of the report including the information on existing impervious surfaces. The runoff and infiltration analysis was added to discuss the storm flow volumes. See Response to Comment F-8-36 for this information. A section on flow velocities at the project boundary was added to Section 4 of the Report (FEIR Volume 2, Appendix J-1) See response to Comment F-8-2 for this information. Post development velocities do not exceed pre development velocities as shown in Table 4.4 *Comparison of Existing and Proposed Flow Velocities at Project Boundary*. See Response to Comment F-8-2 for Table 4-4.

Response to Comment F-8-40. Additional information was added to DEIR Appendix J-1 *Hydrology and Water Quality Master Plan of Drainage Report Section 2, Existing Conditions* (FEIR Volume 2, Appendix J-1) discuss the existing natural drainage courses. See Response to Comment F-8-36 for the description of these natural drainage courses. The creeks provide minimal hydrologic value in terms of ground water recharge relative to the water cycle. In general, the creeks are relatively small and convey flows from routine storms. Because the slope of the land is one to two percent the flows do not pond. Line “E” is the only drainage system large enough to provide hydrological value relative to recharge. However, this drainage course is also steep and does not provide for ponding of the flows. The drainage at the project boundary is designed to mimic pre-project conditions. See Response to Comment F-8-2 for this information.

Response to Comment F-8-41. The mitigation of impacts of the facilities are discussed in the DEIR Appendix J-1 *Hydrology and Water Quality Master Plan of Drainage Report Section 4, Mitigation of Impacts of Proposed Development*. The runoff leaving the project site will mimic existing conditions and will, thus, have no effect on downstream resources. See Response to Comment F-5-23 for this information.

Response to Comment F-8-42. The commenter is correct that much of the analysis of potential impacts to onsite drainages was found in the section on biological resources (DEIR Section 4.4.6.3, pages 4.4-59 – 4.4-60) due to the widespread concern of conservation organizations regarding potential biological resources of the drainages. However, Section 4.9, *Hydrology and Water Quality*, of the EIR clearly indicated most of the onsite drainages have little or no hydrological or biological habitat value, and all onsite runoff can be accommodated onsite with the planned series of detention basins. The EIR also evaluated development along Drainage 12, however, the WLCSP shows

development will be set back from that drainage. In addition, the revised biological studies (FEIR Volume 2, Appendix E) and the revised DEIR (FEIR Volume 2, Section 4.4) indicate Drainage 12 will be preserved to allow for wildlife movement between the Badlands and the SJWA and Mystic Lake.

Response to Comment F-8-43. The baseline used for hydrological impacts was existing conditions at the time the Notice of Preparation was issued. The baseline condition is the existing condition. Mitigation of impacts is proposed by the construction of drainage facilities including storm drains, bioretention areas, detention/infiltration basins and spreading areas. Storm water runoff will be stored in onsite basins as required by MMs 4.9.6.1A and 4.9.6.1B which state that basins must be constructed and maintained to mitigate impacts. See Response to Comment F-5-23 for a description of these mitigation measures.

The Master Plan of Drainage analysis followed the steps outlined below:

1. Identify existing hydrologic Conditions (*Section 2 Existing Condition of the Master Plan of Drainage Report*)
2. Identify the Project's Impact (*Section 3 Proposed Condition of the Master Plan of Drainage Report*)
3. Identification of Proposed Storm Water Facilities (*Section 3 Proposed Condition of the Master Plan of Drainage Report*)
4. Evaluation of Proposed Storm Water Facilities to ensure that post development flows do not exceed pre-development flows (*Section 4 Mitigation of Impacts of Proposed Development of the Master Plan of Drainage Report*)

The DEIR did not skip steps 1 through 3. Hydrologic and hydraulic analysis was performed to identify the existing conditions, proposed conditions and mitigation of impacts. Additional details have been added to the report. See Response to Comment F-8-2 for this information.

Response to Comment F-8-44. MM 4.9.6.1A has been revised to provide more detail and specific performance requirements and MM 4.9.6.1B has been added to provide additional detail and requirements for maintenance as discussed in Response to Comment F-5-23.

Response to Comment F-8-45. Please refer to response to Comment F-8-2 for additional information added to DEIR Appendix J *Hydrology and Water Quality Master Plan of Drainage Report*. MM 4.9.6.1A was revised and MM 4.9.6.1B was added. See Response to Comment F-5-23 for a description of these measures.

Response to Comment F-8-46. Please refer to Response to Comment F-5-23 for the revised MM 4.9.6.1A and the new MM 4.9.6.1B. The words "as appropriate" were deleted. The mitigation is fully enforceable as the first statement of MM 4.9.6.1A says "Prior to issuance of any development permit within the Specific Plan area..." The development permit cannot be implemented until the mitigation is approved to the satisfaction of the City Engineer.

Response to Comment F-8-47. Please refer to Response to Comment F-5-23 for additional information added to DEIR Appendix J *Hydrology and Water Quality Master Plan of Drainage Report*.

Response to Comment F-8-48. Sections 4.9.1.1 *Drainage* and 4.9.6.1 *Drainage Pattern and Capacity Related Impacts* of the DEIR have been updated to include additional information on the existing and proposed conditions and mitigation of impacts. See Response to Comment F-5-23 and F-8-36 for details of this information.

Response to Comment F-8-49. Performance standards have been added to MM 4.9.6.1A and 4.9.6.1B. See Response to Comment F-5-23 for a description of the measures.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-8-50. Additional information has been provided on runoff volume and infiltration for the existing and post project conditions. Flooding at Gilman Springs Road upstream of the project area will continue to occur as the project has no impact on upstream conditions. Flows leaving the project project's southerly boundary at the San Jacinto Wildlife Area will continue to sheet flow across the boundary. Flows at Alessandro and Merwin Street will be contained in drainage facilities designed to handle the 100-year storm. See Response to Comment F-8-23 for this information. The detention basins have been revised to include infiltration. MM 4.9.6.1B was added to provide requirements on maintenance and monitoring. See Response to Comment F-5-23 for a description of the measure.

Response to Comment F-8-51. MM 4.9.6.1B was added to provide requirements on maintenance and monitoring. See Response to Comment F-5-23 for a description of the measure.

Response to Comment F-8-52. MM 4.9.6.3A states "*Prior to issuance of any grading or building permits a site-specific Water Quality Management Plan (WQMP) shall be submitted to the City Land Development Division for review and approval.*" *The WQMP shall specifically identify site design, source control, and treatment control BMPs that shall be used on site to control pollutant runoff and to reduce impacts to water quality to the maximum extent practicable. The WQMP shall be consistent with the Water Quality Management Plan approved for the overall WLCSP project. At a minimum, the site developer shall implement the following site design, source control, and treatment control BMPs as appropriate:*

Site Design BMPs

- i. Minimize urban runoff.
- ii. Maximize the permeable area.
- iii. Incorporate landscaped buffer areas between sidewalks and streets.
- iv. Maximize canopy interception and water conservation by planting native or drought-tolerant trees and large shrubs.
- v. Use natural drainage systems.
- vi. Where soil conditions are suitable, use perforated pipe or gravel filtration pits for low flow infiltration.
- vii. Construct on-site ponding areas or retention facilities to increase opportunities for infiltration consistent with vector control objectives.
- viii. Minimize impervious footprint.
- ix. Maximize the permeable area.
- x. Construct streets, sidewalks and parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised.
- xi. Reduce widths of street where off-street parking is available.
- xii. Minimize the use of impervious surfaces such as decorative concrete, in the landscape design.
- xiii. Conserve natural areas.
- xiv. Maximize canopy interception and water conservation by planting native or drought tolerant trees and large shrubs.
- xv. Use natural drainage systems.
- xvi. Minimize Directly Connected Impervious Areas (DCIAs).
- xvii. Runoff from impervious areas will sheet flow or be directed to treatment control BMPs.
- xviii. Streets, sidewalks, and parking lots will sheet flow to landscaping/ bioretention areas."

The preliminary Project Specific Water Quality Management Plan (WQMP) (DEIR Appendix J) states that flows from the project will be treated by low impact development (LID) BMPs that promote infiltration and evapotranspiration will be incorporated in specific projects throughout the project site. Infiltration BMPs will be preferred, but may not be feasible on sites with low infiltration rates, or located on compacted engineered fill. In situations where infiltration BMPs are not appropriate, bioretention and/or biotreatment BMPs that provide opportunity for evapotranspiration and incidental

infiltration will be implemented. The locations of these facilities will be shown in each final project-specific WQMP.

Response to Comment F-8-53. The commenter is correct, drivers along SR-60 have excellent views of the Mt. Russell hills and existing agricultural fields on the WLC site although the existing Sketcher's building does block views south for both eastbound and westbound travelers on SR-60.

Response to Comment F-8-54. It is not clear what point the commenter is trying to make, the DEIR does identify impacts to views along SR-60 as significant, and the DEIR describes these impacts in detail (DEIR Sections 4.1.6.1 and 4.1.6.2), even though only one visual vantage point was shown in the renderings. The goal of the renderings was to illustrate representative views from different locations around the WLC site. With a site the size of the proposed project, many different locations could have been chosen to show views, but the views selected, while not exhaustive, are representative of general views in the project area, including along SR-60. The renderings in the DEIR will be corrected in FEIR Volume 2 Section 4.1. Refer to Responses to Comments F-8-55 and 56 for clarification and amendment of MM 4.1.6.3A.

Response to Comment F-8-55. It is not possible to definitively conclude visual impacts from the SR-60 will be significant without knowing the exact sizes and locations of buildings along the south side of the SR-60 and even some further on the interior of the project site, depending on the combination of views from particular locations along the freeway. This is a natural result of the programmatic nature of the EIR, which is the most appropriate CEQA document at this time given the level of information about project development (e.g., total square footage, allowable Floor Area Ratio (FAR), street/lot locations, etc.). The DEIR clearly indicates the final determination of a particular view impact along the SR-60 will necessarily depend on more specific project info in the future, but the EIR does conclude that view impacts along SR-60 will be significant, given the nature of the proposed project, which is still the correct conclusion in this regard, and does not represent inappropriate deferral of impact assessment. MM 4.1.6.3A has been amended as follows to provide clarification on the blocking of views of Mt Russell from SR-60.

4.1.6.3A ~~Prior to the issuance of any discretionary permit for development under the WLCSP, the developer shall provide a site plan, landscaping plan, and visual rendering(s) consistent with the WLCSP that demonstrate changes in views of Mount Russell, the Badlands, and/or Mystic Lake for travelers along SR-60 or Gilman Springs Road, as appropriate. The renderings shall be sufficient to demonstrate typical views based on proposed site and landscaping plans, but the location and number of view presentations shall be at the discretion of the City Planning Division. These views shall be simulated from a height of six feet from the edge of the roadway travel lane closest to the visual resource.~~

4.1.6.3A Each Plot Plan application for development shall include plans and visual rendering(s) illustrating any changes in views of Mount Russell and/or the Badlands, for travelers along SR-60, as determined necessary by the Planning Official. The plans and renderings shall illustrate typical views based on proposed project plans, with the location and number of view presentations to be determined by the Planning Official. These views shall be simulated from a height of six feet from the edge of the roadway travel lane closest to the visual resource. The renderings must demonstrate that the development will preserve at least the upper two thirds (67%) of the vertical view of Mt. Russell from SR-60.

Response to Comment F-8-56. The commenter indicates that use of a programmatic EIR was inappropriate given the analysis of views from SR-60 which emphasized Mt. Russell and ignored Mystic Lake. Original page 4.1-7 of the DEIR clearly states “...Mount Russell, the Badlands, the SJWA, and Mystic Lake represent significant visual resources, and SR-60 and Gilman Springs Road

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

are considered scenic routes because they have relatively unobstructed views of these resources” so it is unclear what statement the commenter is referring to in the EIR that seems to focus only on Mt. Russell. In addition, Section 4.1.6.1 begins with the following statement. “The proposed project could have a substantial adverse effect on one or more scenic vistas, notably views of the Badlands, Mount Russell and the Mount Russell Range, and Mystic Lake/San Jacinto Wildlife Area.” The same section describes visual impacts from SR-60 as follows...

***“Views from SR-60.** The existing Skechers building can be used as a visual reference relative to future views involving the WLCSP. The average floor elevation of the Skechers facility is 1,740 feet amsl. Assuming an average building height of 55 feet, the Skechers building is at an elevation of 1,795 feet amsl compared to the elevation of SR-60 at 1,760 feet amsl adjacent to the Skechers building. This means a person driving on SR-60 cannot see much of the WLCSP property, or Mystic Lake while adjacent to the Skechers building, although the top of Mount Russell is visible from most locations.*

Travelers in both directions on SR-60 will have views of the project site until the northernmost portion of the site is developed. As the site develops, the buildings would replace existing flat agricultural fields with industrial buildings, which may block foreground and midground views of travelers in both directions, depending on their locations. There are no site plans at present to show exact building locations or heights, so the determination of impacts must be based on the characteristics of buildings allowed under the Specific Plan. Buildings adjacent to the freeway would be approximately 60 feet in height, while buildings away from the northern perimeter (i.e., the south side of SR-60) could be up to 80 feet tall. If all of the future buildings along the south side of SR-60 block views to the same degree as the Skechers building, this would be a significant visual impact as it would reduce views of Mount Russell, and the Badlands south of SR-60 along Gilman Springs Road.

The height and location of buildings along this portion of the project will have to be designed to allow background views between and over them (i.e., so the mountains and Mystic Lake are not fully or largely obscured by buildings in the future). The conceptual landscape plans for the proposed project show trees will be planted along the south side of SR-60 to soften views of future buildings, but these will not fully obscure views of the buildings or parking areas, as the buildings may be taller than the trees will grow, and the buildings will extend farther into the midground and background views for many travelers. Even with the landscaping proposed by the WLC Specific Plan, development of this area will eventually replace the existing flat agricultural fields with tall industrial warehouse buildings that may completely or partially block views of the lower slopes of Mount Russell and the Badlands and Mystic Lake. If future buildings were to block views of these major scenic resources substantially (per GP Figure 7-2), the WLC project would result in significant visual impacts along SR-60. The simulated view from SR-60 is shown in Figure 4.1.5J and K (Views 8 and 9).

Therefore, it is unclear in what way the commenter believes the EIR does not address views to Mystic Lake. Regarding building heights, the Specific Plan indicates that corners or entryways of the project buildings may be slightly raised for architectural purposes, but that the overall average or roof heights of the buildings along the north, west, and south perimeter must be 60 feet but can be up to 80 feet in the interior of the project and along the eastern perimeter (WLC Specific Plan, Section 5.3.3 page 5-21).

In conclusion, Section 4.1 of the DEIR clearly concludes that all aesthetic impacts of the WLC project will be significant, and that when more details of specific development is known in the future, additional visual analysis will be provided (MM 4.1.6.3A as amended in Response to Comment F-8-55).

Response to Comment F-8-57. The commenter states the EIR uses the Moreno Highlands Specific Plan (MHSP) as a baseline for aesthetics– that is incorrect. The DEIR uses existing conditions as the baseline, as required by CEQA. However, the current General Plan and zoning classifications for the

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

WLC property are based on the approved MHSP so that land use plan is provided for comparison only, and not as a baseline against which to determine the significance of impacts. As previously stated, Section 4.1 of the DEIR clearly concludes that all aesthetic impacts of the WLC project will be significant. Also, refer to Responses to Comments F-8-54 through F-8-56.

Response to Comment F-8-58. The commenter states the Specific Plan does not mention views of Mt. Russell or Mystic Lake, and does not limit the size and locations of buildings - this is correct. However, the EIR does address viewshed impacts in the future. MM 4.1.6.3A requires renderings be provided of specific future buildings so that viewsheds of Mount Russell for travelers along SR-60 can be protected per the General Plan. Also review to Response to Comment F-8-56.

Response to Comment F-8-59. The commenter states that considering the size of the proposed project it is unlikely that mitigation to reduce impacts to visual impacts would be feasible at all. Actually, the Specific Plan allows for only a maximum Floor Area Ratio or FAR of 0.5 which is 50% site. Therefore, the recommended mitigation is indeed feasible.

Response to Comment F-8-60 & 61. The commenter contends the project is not consistent/compliant with the City's General Plan and this is a significant impact under CEQA and must be analyzed. As outlined in Responses to Comments F-8-56 through F-8-59 above, the WLC project will not be inconsistent with the General Plan since specific development in the future will be evaluated against the indicated General Plan policy using visual renderings that will be prepared once the specifics of the future development are known (e.g., building size, location, height, etc.) which is entirely appropriate when using a programmatic EIR such as with the WLCSP.

The evaluation of potential land use impacts of the WLC project were appropriately analyzed in Section 4.10 of the DEIR. The specifics of the General Plan Amendment and zone change are the WLCSP as outlined in Section 3 of the DEIR, Project Description. Page 3-25 of the DEIR lists the elements of the General Plan which will be amended.

“General Plan Amendment: ...*The General Plan Amendment (GPA) will replace the current Moreno Highland Specific Plan/General Plan Designations with the following land use designations: (a) ~~2,606~~ 2,383.8 acres for high cube logistics development; (b) 1,084 acres of Open Space; and (c) 20 acres for Public Facilities.*

Zone Change: *The project includes a Zone Change covering ~~3,814~~ 3,714 acres, which will designate 1,084 acres of land for Open Space (CDFW and San Diego Gas and Electric (SDG&E) properties), 20 acres for Public Facilities (SDG&E and Southern California Gas Company (SCGC) properties), and ~~2,710~~ 2,610 acres for the World Logistics Center Specific Plan.”*

In addition, Section 3.4.6 of the DEIR states...

“The proposed project includes a Specific Plan to implement the new General Plan Amendment and to set forth comprehensive land use regulations governing the proposed project. The Specific Plan is a master plan for the future development of up to ~~41.6~~ 40.6 million square feet of building area on ~~2,710~~ 2,610 acres, providing for mainly high-cube logistics and distribution facilities. This programmatic EIR be provides a streamlined environmental review process for future development projects in the WLC Specific Plan area, including site-specific subdivisions and development entitlements that are consistent with the overall plan. Subsequent projects that the City determines to be within the scope of the EIR may be approved pursuant to the procedures set forth in CEQA Guidelines Sections 15162 and 15177.”

The following uses are proposed within the WLC Specific Plan (Table 3.C in this document) and are directly related to the WLC project general plan and zoning entitlements:

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

• Logistics Development (LD)	2,383.8 acres	40.4 million square feet
• Light Logistics (LL)	37.1 acres	200,000 square feet
• Open Space (OS)	74.3 acres	
• Right-of-Way (ROW)	115.8 acres	
	2,610.0 acres (WLCSP)	
• State and Utility Land	1,104.0 acres (rezone to open space and utilities)	
• Offsite Improvement Areas	104.0 acres (to support WLCSP development)	
	1,208.0 acres (non-Specific Plan areas)	

Response to Comment F-8-62. The commenter expresses concern that the project description does not describe key components of the project such as fundamental information pertaining to utilities, infrastructure and public services that will be required to serve the project. The project description (DEIR Section 3.0) contains a description of the project as well as the WLCSP (Section 3.0, *Infrastructure Plan*). DEIR Sections 3.4.6.3 and 3.4.6.4 describe aspects of the proposed project relative to utilities, infrastructure, and public services.

The WLCSP does not include specific information on backbone infrastructure phasing but does identify a number of alternative funding mechanisms that future developers can take advantage of to pay for certain improvements (WLCSP Section 10.0, *Financing of Improvements*). It must be remembered this is a programmatic document and so it only evaluates the level of information about the project provided at the time of project application. Future development applications will require backbone infrastructure that will be identified in their particular traffic and utility studies, and will be responsible for installing or paying a fair share towards the installation of necessary infrastructure. The City's development review process will assure that infrastructure needed by a particular development is in place or will be in place prior to occupancy of that development.

The commenter expresses concern that storm drainage improvements will not be made as development occurs in the future. To address this concern, MM 4.9.6.1A has been revised to specifically include "storm drain pipes and other conveyances" as shown below (added text underlined).

4.9.6.1A Prior to issuance of ~~any development~~ any building permit within the Specific Plan area, the developer shall ~~place~~ construct storm drain pipes and conveyances, as well as, combined detention and infiltration basin(s), bioretention areas, and spreading area(s) ~~as appropriate~~ within each proposed watershed, as outlined in the project hydrology plan, to mitigate the impacts of increased peak flow rate, velocity, flow volume and reduce the time of concentration by storing ~~increased runoff for a limited period of a time and release the outflow at a rate that does not exceed the pre-development condition~~ and infiltrating increased runoff for a limited period of time and release the outflow at a rate that does not exceed the pre-development peak flows and velocities for the 2, 5, 10, 25, and 100-year storms and volumes as assessed in the water balance model for historical conditions. For the purpose of this mitigation measure, the term "construct" shall mean to substantially complete construction so as to function for its intended purpose during construction with complete construction prior to occupancy. Field investigations will be conducted to determine the infiltration rate of soils underlying the proposed locations of bioretention areas and detention basins. The infiltration rate of the underlying soils will be used to properly size the bioretention areas and detention basins/infiltration basins to ensure that adequate volumes of runoff, in cumulative total for all bioretention areas and detention basins are captured and infiltrated. The water balance model will be updated and rerun for the site-specific conditions encountered to confirm the water balance. This measure shall be implemented to the satisfaction of the City Engineer. Energy dissipaters shall be used as the spillways of basins to

reduce the runoff velocity and dissipate the flow energy. Drainage weir structures shall be constructed at the downstream end of the watersheds flowing to the San Jacinto Wildlife Area to control the runoff and spread the flow ~~in such a way~~ that the flows exiting the project boundary will return to the sheet flow pattern similar to the existing condition. Detention basins and spreading areas shall be designed to account for the amount of the sediment transported through the project boundary so that the existing sediment carrying capacity is maintained.

However, it should be noted that the WLCSP EIR is a programmatic document, and there will be subsequent CEQA analysis of overall utility impacts of the WLC project when specific development is proposed (i.e., consistent with the WLCSP) in the future. The City's development review process would determine if future development proposals are consistent with the overall development parameters outlined in the WLCSP EIR. The hydrology study for the WLC project (DEIR Appendix J-1) demonstrates that the WLCSP area can be developed such that future runoff does not exceed current levels, and therefore offsite and downstream properties would not be significantly impacted by development of the WLC property.

Response to Comment F-8-63. The commenter says the Circulation Element portion of the General Plan Amendment is not described in the EIR. A proposed Circulation Element amendment has been submitted to the City, and the revised Circulation Element map would include the Circulation Plan presented in the WLCSP (Exhibit 3-1) and shown in the Project Description of the DEIR (Figures 3-10 through 3-12). In fact, Section 3.4.6.2, Circulation Element, in the DEIR Project Description says...

"The revised General Plan Circulation Element (as amended by the proposed project) and the Specific Plan's Circulation Plan (Specific Plan Section 3.1) provides for the movement of vehicles in and around the World Logistics Center area. It provides the details of the road/street designations, right-of-way design, and road improvement thresholds. This section addresses the interface of the planning area with existing roadways as defined in the City General Plan."

Response to Comment F-8-64. The FEIR Volume 2 Section 4.15 concludes that the WLC project is consistent with the City's General Plan policies regarding traffic, however, the reason the DEIR concludes many of the traffic impacts of the WLC project are significant is that many of the mitigation measures that could reduce potential impacts cannot be made physically (e.g., restricted right-of-way, existing buildings, etc.) or the improvements are within another jurisdiction and are not under the control of the lead agency (i.e., implementation cannot be guaranteed). The DEIR and project TIA clearly demonstrate that onsite impacts of traffic from the WLC project can be accommodated within the WLC site and within City level of service (LOS) standard, based on the proposed circulation plan outlined in the WLCSP (refer to FEIR Volume 2 Appendix L-1).

Response to Comment F-8-65. The commenter states the EIR should examine the WLC project's consistency with all applicable General Plan policies including protection of visual resources, avoidance of noise intensive uses and air emissions near sensitive receptors and minimizing traffic impacts. The commenter is correct, and the potential impacts of the project relative to these various policies are examined in the appropriate sections of the DEIR (4.1 through 4.16) for each environmental topic area (see Response to Comment F-8-67).

Response to Comment F-8-66. The commenter states Section 4.10 of the EIR should examine the WLC project's consistency with all applicable General Plan policies. Section 4.10 of the DEIR does examine the WLC project's consistency or inconsistency with applicable land use General Plan policies, as outlined in the specific CEQA threshold used in this analysis, which states..." *Conflict with any applicable land use plan, policy, or regulation...*" The commenter has neglected to acknowledge the other analysis sections of the DEIR (4.1 through 4.16) examine the potential impacts of the WLC project against the General Plan policies, objectives, etc. that are particular to that environmental

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

issue (e.g., noise, traffic, etc.). Table 4.10.E of the EIR only examines the WLC project's impact on land use policies, while the commenter refers to many other non-land use policies in this comment. For example, Objective 5.3 and Policies 5.3.6 and 5-6 are related to traffic, so they are evaluated in Section 4.15, *Traffic and Circulation*, of the DEIR, Policies 6.2.3 and 6.2.4 are addressed in Section 4.10, *Hydrology and Water Quality*, of the DEIR, and so on (see Response to Comment F-8-67).

Response to Comment F-8-67. The commenter states the DEIR does not evaluate the WLC project relative to several specific General Plan policies and objectives. Response to Comment F-5-66 above explains that Table 4.10.E does not address every General Plan policy applicable to the WLC project, only the land use policies, because Section 4.10 of the DEIR addresses land use impacts. The other DEIR impact analysis sections (4.1 through 4.16) address other environmental topics/issues (e.g., noise, traffic), and the General Plan policies applicable to that issue are addressed in that section.

City General Plan policies, objectives, etc. are addressed in the following sections according to the particular environmental issue they address:

• 4.1	Aesthetics	DEIR Section 4.1.2.1
• 4.2	Agriculture	DEIR Section 4.2.5
• 4.3	Air Quality	DEIR Section 4.3.2.4
• 4.4	Biological Resources	DEIR Section 4.4.2.4 and Table 4.4.E
• 4.5	Cultural Resources	DEIR Section 4.5.2.3
• 4.6	Geology & Soils	DEIR Section 4.6.2.2
• 4.7	Greenhouse Gases	DEIR Section 4.7.2.5
• 4.8	Hazards	DEIR Section 4.8.2.4
• 4.9	Hydrology & Water Quality	DEIR Section 4.9.2.4
• 4.10	Land Use	DEIR Section 4.10.2 and Table 4.10.E
• 4.11	Minerals	DEIR Section 4.11.2.2 (none)
• 4.12	Noise	DEIR Section 4.12.2.2
• 4.13	Pop & Housing	DEIR Section 4.13.2.3
• 4.14	Public Services	DEIR Section Table 4.14.A
• 4.15	Transportation	DEIR Section 4.15.2
• 4.16	Utilities	DEIR Section 4.16.1.2

Response to Comment F-8-68. The commenter claims the project is inconsistent with General Plan in that some impacts are identified as significant and unavoidable and so the target LOS cannot be maintained.

The mitigation measures identified in the TIA would enable the City to achieve the target LOS. To the extent these measures are feasible and within the authority of the City of Moreno Valley, the City will see to it that the measures are implemented. However, the City is not in a position to guarantee the implementation of measures that are either infeasible or outside of its control. See Chapter 11, Sections E and F of the TIA (FEIR Volume 2, Appendix L-1).

Response to Comment F-8-69. The commenter states the project includes a Revised Circulation Element but that it was not included in the DEIR. The commenter repeats his earlier claim the project is inconsistent with General Plan in that some mitigation measures are identified as significant and unavoidable and so the target LOS cannot be maintained.

The TIA, which comprised part of the DEIR, included Figure 21 (now Figure 24 in the FEIR Volume 2, Appendix L-1) showing the revised circulation plan. Please also see the Response to Comment F-8-68.

Response to Comment F-8-70. As stated in DEIR Appendix J-1 *Hydrology and Water Quality* Appendix J-1 *Preliminary Project Specific Water Quality Management Plan*, page 12 a “significant portion of the project will remain pervious for the purposes of landscaping, water quality treatment, and flood detention. The use of impervious surfaces for decorative purposes will be minimized where possible. Street, sidewalk, and parking design will incorporate or keep minimum street widths that still meet City requirements and emergency access requirements.”

Response to Comment F-8-71. MM 4.9.6.1A has been revised and MM 4.9.6.1B has been added to ensure that sufficient storm drain flood controls systems will be implemented to accommodate the 10 and 100 year storm flows. See Response to Comment F-5-23 for a description of the measures.

Response to Comment F-8-72. Policy 6.3.1 of the General Plan is being misinterpreted by the commentator. The policy is intended to insure that new residential construction meet certain noise standards. Specifically if a new residence is constructed it will be required to meet a 45 CNEL noise standard. Additionally, soundwalls would be required between single-family residences and major roadways. It is not intended to limit impacts generated by projects. The significance criteria that addresses transportation noise impacts on residential uses is detailed on page 26 of the technical noise appendix (DEIR Appendix K Noise). A 65 CNEL threshold is a key part of the significance criteria.

Response to Comment F-8-73. The proposed project is consistent with Objective 6.5. Traffic noise is being mitigated when a significant impact is identified and it is feasible. Operational noise from the logistics facilities will meet the City’s noise ordinance standards, and construction noise is being mitigated to the extent feasible. Therefore, the project is seeking to “*minimize noise impacts from significant noise generators...*”

Response to Comment F-8-74. The commenter believes the WLC project is not consistent with General Plan Policy 7.7.4. Policy 7.7.4 states... “*Require development along scenic roadways to be visually attractive and to allow for scenic views of the surrounding mountains and Mystic Lake.*” The visual analysis in the DEIR does indicate future development under the Specific Plan will be visually attractive relative to industrial warehouse buildings. The programmatic EIR determined that future development would have significant visual impacts, but the maintenance of views to Mt. Russell must wait for an evaluation of specific development in the future, as outlined in the EIR (refer to Response to Comment F-8-56. Future development will be evaluated under CEQA (i.e., tiered off the WLCSP EIR) for compliance with this policy when more specifics about building size and location are known, consistent with the tiering requirements of CEQA. In addition MM 4.1.6.3A has been modified and addresses this comment (see Response to Comment G-95-18).

Response to Comment F-8-75. The commenter restates the position the DEIR does not evaluate General Plan policies applicable to the WLC project. The DEIR examines the WLC project’s potential impact on relevant General Plan policies in the appropriate sections of the DEIR (4.1 through 4.16) depending on the specific environmental topic (e.g., noise, traffic, etc.). Those sections identify inconsistencies and indicate if mitigation is necessary, as required by CEQA.

Response to Comment F-8-76. The commenter says the DEIR does not contain sufficient baseline information on hazards or hazardous materials. Section 4.11, *Hazards and Hazardous Materials*, does provide extensive detailed information about the existing baseline conditions and impact assumptions of the site relative to these topics, including the results of 22 Phase 1 hazmat studies, one of which was completed in January 10, 2013 for the entire site (DEIR Appendix I). These issues are addressed in detail in Responses to Comments F-7A-18 through F-7A-21 and F-7B-2 and F-7B-3 and demonstrate why the EIR does provide an adequate description of baseline conditions relative to the onsite hazmat studies.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-8-77. Comments in general were made about the DEIR's analysis of hazards and hazardous materials inadequacy. Comments were also made about the DEIR failure to provide sufficient information for accurate analysis and decision-making. An example is the 18 previous Phase I ESA reports conducted for portions the site (DEIR Section 4.8) as not providing the information as to what areas were included and what areas were omitted. DEIR Section 4.8 explains that the Phase I ESA, dated January, 2013, covered the project area. The previous 18 Phase I ESAs, which were conducted on portions of the project area over several years, were used as references in that comprehensive Phase I ESA report for the project area. The Moreno Valley Local Hazard Mitigation Plan and the Moreno Valley General Plan also indicates the presence of hazardous materials sites on the project site. Local Hazard Mitigation Plan at 89; Moreno Valley General Plan FEIR, Figure 5.5-1. These sites are not disclosed or otherwise described in the project EIR.

Response to Comment F-8-78. The Phase I ESA conducted for the project area, dated January 2013, adequately addresses these two sites and all other hazardous waste sites on or around the project area, within a one mile radius. The Phase I ESA concluded they would not adversely impact the project development. Also refer to Response of Comment F-8-79.

Response to Comment F-8-79. According to DEIR, Section 4.8.5.3, the Moreno Gas Compressor Plant currently occupies a 19-acre site, surrounded by 174 acres of SDG&E-owned open space. There is additional open space around the plant, consisting of land owned by the CDFW as part of the SJWA. There are no plans to expand or otherwise modify the plant and/or its open space zone, which is considered adequate at this time to protect public health and safety, including users of the SJWA and new employees and users of the new warehouses associated with the WLCSP. The WLCSP Land Use Plan shows new warehouse uses east and west of the plant will have setbacks of 1,000 feet to the east and 1,500 feet to the west, those to the north will have an additional 104 foot additional setback, from the construction of Street G. While these setbacks appear to be sufficient, the following measure will be added to the EIR to assure setbacks are in fact sufficient to protect the safety of future workers within Planning Areas 9 through 12 (i.e., those around the compressor plant):

4.8.6.1C Prior to grading for any discretionary permits for development in Planning Areas 9-12 adjacent to the natural gas compressor plant, the applicant shall prepare a risk assessment report analyzing safety conditions relative to the existing compressor plant and planned development. The report must be based on appropriate industry standards and identify the potential hazards from the compressor plant (e.g., fire, explosion) and determine that the distance from the plant to the closest planned buildings in Planning Areas 9-12 is sufficient to protect the safety of workers from accidents that could occur (see Final EIR Volume 2 Figure 4.1.6B) at the compressor plant. This measure shall be implemented to the satisfaction of the City Building and Safety Division and the Fire Prevention Bureau.

Response to Comment F-8-80. The commenter expresses concern the hazmat mitigation will not be implemented. The DEIR contains two hazmat-related mitigation measures (MMs 4.8.6.1A) addresses lead-based paint or asbestos-containing materials in the rural residences, and safety related to the alternative fueling facility). There is no reason to believe these measures will not or cannot be successfully implemented by the City during subsequent discretionary approvals and the City's development review process.

Response to Comment F-8-81. The commenter wants mitigation added to address the cleanup of waste materials on the site. In response to this comment, the following measure will be added to Section 4.8.6.1 of the revised DEIR:

4.8.6.1D Prior to the issuance of any grading permit, the developer shall inform the City of any existing solid waste materials within the development area. In conjunction with grading activities, all solid waste matter within the development area shall be

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

removed by a licensed contractor and disposed of in an approved landfill. A record of the removal and disposal of any waste materials, in compliance with applicable laws and regulations, shall be submitted to the City prior to the issuance of any building permits.

Response to Comment F-8-82. The commenter states the Specific Plan does not preclude manufacturing or chemical uses. Manufacturing and chemical processing are not permitted uses within the WLCSP. The Specific Plan allows only logistics and logistics-related uses within the WLC project, which allow only limited assembly and do not allow manufacturing or chemical processes by their very definition, in much the same way heavy industrial uses would not be allowed in areas designated for light industrial uses. Future discretionary review by the City will restrict future uses within the WLC to those uses outlined in the Specific Plan (see WLCSP Section 2.2.2, Permitted Uses).

Response to Comment F-8-83. The commenter expresses concern that the setbacks identified in the DEIR for the natural gas compressor station are not codified in the Specific Plan. The “setback” is visible by an inspection of the project conceptual land use plan and existing aerial photographs in that the existing compressor station buildings are at least 1,000 feet from any warehouse building that could be built in Planning Area 12 to the east and approximately 1,500 feet from any buildings that could be built in Planning Area 10 to the west due to proposed road placement and developable areas. In response to this concern, MM 4.8.6.1C (see below) was added to protect future worker safety, as outlined in Response to Comment F-8-82 above.

4.8.6.1C Prior to grading for any discretionary permits for development in Planning Areas 9-12 adjacent to the natural gas compressor plant, the applicant shall prepare a risk assessment report analyzing safety conditions relative to the existing compressor plant and planned development. The report must be based on appropriate industry standards and identify the potential hazards from the compressor plant (e.g., fire, explosion) and determine that the distance from the plant to the closest planned buildings in Planning Areas 9-12 is sufficient to protect the safety of workers from accidents that could occur (see Final EIR Volume 2 Figure 4.1.6B) at the compressor plant. This measure shall be implemented to the satisfaction of the City Building and Safety Division and the Fire Prevention Bureau.

In addition, Section 4.12.6.4 Long-Term Utility Noise Impacts in the DEIR addressed the issue of the noise impacts of the natural gas compressor plant and imposed MM 4.12.6.4A requiring prior to issuance of building permits, projects within 500 feet of the SCGC and SDG&E facilities will have sound attenuation devices providing at least 40 dB reduction, be in place for planned blow-down events. The Specific Plan contains a setback requirement from the natural gas compressor in response to the concerns regarding potential noise impacts to future users of the WLC.

Response to Comment F-8-84. The commenter expresses concern that identification of safety impacts from relocation of gas pipelines has been deferred contrary to the requirements of CEQA. The programmatic DEIR has correctly identified a potential significant impact, but has further concluded this impact can be reduced to less than significant levels as part of discretionary approvals in the future when the size and location of future buildings is known in more details. The relocation of existing natural gas lines requires coordination with local utility companies, the City, and developer, and can only be done effectively when specific development information is known. At that time, existing lines can be relocated with appropriate safety setbacks from planned buildings. This process is consistent with the tiering requirements of CEQA and is not a deferral of impact identification or development of appropriate mitigation. The commenter has failed to acknowledge the additional CEQA review that future development will have, as outlined in DEIR Section 3.4.6 as follows...

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

“The proposed project includes a Specific Plan to implement the new General Plan Amendment and to set forth comprehensive land use regulations governing the proposed project. The Specific Plan is a master plan for the future development of up to 41.6 million square feet of building area on 2,710 acres, providing for mainly high-cube logistics and distribution facilities. This programmatic EIR provides a streamlined environmental review process for future development projects in the WLC Specific Plan area, including site-specific subdivisions and development entitlements that are consistent with the overall plan. Subsequent projects that the City determines to be within the scope of the EIR may be approved pursuant to the procedures set forth in CEQA Guidelines Sections 15162 and 15177.”

Response to Comment F-8-85. The commenter states the EIR defers analysis and mitigation for potential impacts of the proposed alternative fueling station. Again, the commenter has misinterpreted the CEQA requirements for a programmatic EIR vs. a project level EIR, where sufficient information is not yet known about certain physical aspects of the project. In this case, the size, location, and other physical attributes of the fueling station are unknown, so the DEIR correctly concludes there could be a significant impact, and recommends a safety study be conducted to determine specific safety setbacks for the station from surrounding development once those physical factors are known. Since the station is planned to be built relatively soon in Phase 1, it will not be long before this information is known. Setbacks to the neighboring industrial warehouse uses would need to be established once the specific physical characteristics of the fueling station are known. Construction of this station will require subsequent discretionary review, including CEQA compliance, through the City. Refer to MM 4.8.6.1B as follows:

4.8.6.1B Prior to the issuance of any discretionary permits associated with the ~~natural gas proposed~~ fueling facility (“~~Logistic Ssupport~~” site in the LD zone), ~~the applicant shall provide~~ a risk assessment or safety study that identifies the potential public health and safety risks from accidents at the facility (e.g., fire, tank rupture, boiling liquid, or expanding vapor explosion) ~~shall be submitted to the City for review and approval~~. This study shall be prepared to industry standards and demonstrate that the facility will not create any significant public health or safety impacts or risks, to the satisfaction of the City ~~Community Development Director and the City Building Official Building and Safety Division and the Fire Prevention Bureau.~~

Response to Comment F-8-86 & 87. DEIR Section 4.6.6.1, based on published geologic maps and subsurface fault evaluation completed for this project (Leighton, 2013, DEIR Appendix G), the Claremont Segment of the San Jacinto Fault Zone has been identified and located within the eastern portions of the project (within mapped Alquist Priolo (AP) Zone). At the time of Leighton’s fault trenching, legal access to all parts of the property was neither possible nor required for this initial level of fault investigation. As such, a central portion of the Fault Zone was not specifically explored. However, the fault strands are expected to continue through that un-explored portion within the AP Zone and future trenching would be required to confirm the trend (connect the dots) of the mapped fault and provide setback requirements for any proposed habitable buildings in this area. As such, no structures for human occupancy will be located over active faults or within the State AP Zone unless structural setbacks are established based on sufficient fault trenching in accordance with State and County guidelines. Therefore, the DEIR’s conclusion that the project’s impacts relating to susceptibility to fault rupture would be mitigated to less than significant is valid.

Response to Comment F-8-88. As states in DEIR Section 4.6.6.3A, the site, like the rest of Southern California, is located within a seismically active region. The principal source of seismic activity is movement along the northwest-trending regional fault systems such as the San Andreas, San Jacinto, and Elsinore Fault Zones. Mitigation measures for such seismic shaking were adequately addressed in the Soils Report (DEIR Appendix G) that included recommendations for structural design and ground improvements. These mitigation measures

generally follow standard of care in this area and considered adequate to mitigate impacts relating to ground shaking. All buildings constructed on this site will be structurally designed to the pertinent sections of the current or future adopted California Building Code and seismic design coefficients provided by the project Geotechnical Engineer. General remedial grading requirements (ground improvement mitigation) included in the Soils Report are also expected to further reduce the effects of ground shaking on proposed structures. The actual extent of remedial grading is expected to vary based on building location and foundation loads and will be verified based on development of final site plans. However, the general parameters for the prescribed corrective measures included in the Soils Report remain the same.

Response to Comment F-8-89. The project Soils Report (DEIR Appendix G) is a detailed investigation that provides an extensive evaluation of the expansive and compressible soils potential on this site. The report presents over one-hundred test pits and test borings including extensive laboratory testing to qualify and quantify the extent of such geologic hazard. Even if dozens of additional borings are performed for this approximately 4,000-acre site, the recommendations of the DEIR will generally remain the same as to the need for future verification and evaluation of compressible and expansive soils in specific areas of the site. The interbedded and highly variable nature of alluvial deposits on this site require that when final development plans are developed the remedial earthwork removal depth or potential presence of expansive soils are verified and mitigated based on those plans. This is typical of EIR level investigation for such large projects and mitigation measures are rather straightforward and easily implemented during later phases of development by means of ground improvements (remedial earthwork grading) or structural design (i.e. stiffened slab design) based on specific building foundation plans and location.

Response to Comment F-8-90. The commenter is concerned the DEIR has not identified geotechnical impacts to offsite improvements. DEIR Section 4.6, *Geology and Soils*, examines potential geotechnical and soils impacts of the various offsite improvements in general, given the programmatic nature of the EIR, which also means there is no specific information at this time on the size, exact location, etc. for the various offsite improvements, although Figure 3-7 in the DEIR does show the general location of the improvements. MM 4.6.6.1C addresses how future offsite improvement sites will be evaluated for geotechnical and soils constraints, and requires all improvements to be designed to withstand expected geological and soils conditions, as shown below...

“Prior to the approval of project grading permits, or permits for construction of off-site improvements, whichever comes first, the City shall review and approve plans confirming that the project has been designed to withstand anticipated ground shaking and other geotechnical and soil constraints (e.g., settlement). The project proponent shall submit improvement plans to the City or County as appropriate for review and approval prior to construction of any offsite improvements related to the project. This measure shall be implemented to the satisfaction of the City Engineer.”

Response to Comment F-8-90 & 91. The commenter expresses concern about geotechnical constraints on the proposed water reservoir site. Offsite improvements can be subject to a variety of geologic/geotechnical constraints such as faults, landslides, unstable soils, etc. However, these constraints are typical of this area and specific mitigation methods will be determined during later phases of planning or once improvement plans become available. Mitigation methods may include previously prescribed measures such as remedial earthwork ground improvements or avoidance of difficult areas (i.e. mass wasting, landslides and faults). However, all off-site improvements are considered feasible from a geotechnical viewpoint and the appropriate site specific mitigation must be determined during later stages of planning to derive the most cost-effective mitigation methods.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

As outlined in Response to Comment F-8-90 above, additional geotechnical testing will be done when a specific site and a specific reservoir is proposed, and the facilities will have to be constructed to withstand expected constraints/conditions, as outlined in MM 4.6.6.1C outlined above, or they will have to be located on some other site.

Response to Comment F-8-92. The commenter states more detailed information on geotechnical constraints on offsite improvement sites must be included in the DEIR. The location of offsite improvements is not fully known at this time, and has only been estimated for the purposes of a programmatic CEQA-level analysis. It is possible that improvements would actually have to be placed at other locations than those estimated for the project at this time. Therefore, it is inappropriate to conduct more detailed assessments at this time. More detailed assessments will be prepared when specific offsite improvements are identified, as outlined in MM 4.6.6.1C.

Response to Comment F-8-93. The commenter asserts that the WLC project would induce substantial population growth in the City by adding so many jobs. First, the City currently has a high unemployment rate, so it is likely that many of the first jobs produced by the WLC project would go to unemployed City residents as well as unemployed workers in other nearby communities (e.g., Redlands, Riverside, Perris, etc.). Second, the City's Housing Element indicates future (anticipated) growth of 6,169 houses over the next 8 years, which would absorb many of the new jobs generated by the WLC project. For example, the WLC project would be developed in lieu of the approved Moreno Highlands Specific Plan (MHSP), which could have introduced 7,736 dwelling units and 17,019 new residents into the City over the next 20 years or so. Development of the WLCSP would supplant that planned growth, so it is not likely the WLC project would induce substantial new residential growth over that anticipated by the MHSP. Finally, it is possible the project would generate some need for additional housing at some point in the future, but it is overly speculative to estimate specifically how much because of the many variables involved in future residential development (e.g., actual phasing of WLC development and local housing development, the availability of vacant land for housing, future development costs, etc.). Therefore, the DEIR concluded that population and housing impacts of the WLC project would be less than significant (in fact would substantially help the City's jobs/housing ratio), and Section 5 of the DEIR concluded the project would not induce substantial new growth of population or housing into the City.

Response to Comment F-8-94 and 95. The commenter states that the DEIR claims that WLC jobs will be filled by "workers, who, for the most part, already reside in the project area," and that WLC workers will not cause an increase in the City's population. The DEIR has been modified regarding this claim. While it is likely that some of the jobs may be filled by City residents who possess the skills and/or education required, 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 over a period of time.

While it is true that some WLC workers will commute to the project from other parts of the Inland Empire, the impact of the Project on the jobs/housing balance in both the City and throughout the Inland Empire will be improved by the potential 20,000 jobs to be generated by the WLC. Both the City and the Inland Empire have a surplus of homes versus jobs, which causes residents to drive to LA and Orange County for work, leading to traffic congestion, less family time and an overall lower quality of life. As noted in Section 4(III) of the DEIR, the City's Jobs-Housing Balance is currently 0.47, which is one of the lowest of any City in the Inland Empire. Riverside County as a whole only has a Jobs-Housing Balance of 0.74. As the norm throughout Southern California ranges between 1.0 and 1.29 jobs per household according to Southern California Association of Governments (SCAG's) landmark 2001 study "The New Economy and the Jobs/Housing Balance in Southern California," both the City and the County are badly in need of jobs. According to this SCAG study, the average commute distance for a Riverside County resident of 21.6 miles was higher than any other County in Southern California.

Response to Comment F-8-96. The commenter stated the DEIR needs to examine cumulative impacts of the project. Each DEIR environmental analysis sections (4.1 through 4.16) examined potential cumulative impacts of the WLC project. DEIR Section 5.1 summarized that the project would make a significant contribution to cumulatively considerable impacts in the areas of aesthetics, agriculture, air quality, noise, and transportation. It is unclear how the commenter concludes the DEIR did not examine these potential impacts when it is clear the DEIR concluded the project would have a number of cumulative impacts. Section 1.6 of the DEIR explains why the “summary of growth projections” methodology was used for the assessment of most cumulative impacts, although the project’s traffic impact assessment was able to develop a comprehensive list of development projects for the general project area to identify roadway and intersection impacts for each of the two phases of project development. It is permissible to use different cumulative baselines or areas of influence as long as the EIR explains why it is reasonable to do so for a particular environmental issue. For most issues, the EIR used the growth projections of the City General Plan and the Regional Transportation Plan (RTP) of the SCAG as these represent the best long-term estimates of population, housing, and employment conditions for the Southern California region that could be affected by development of the WLC project.

Response to Comment F-8-97. The commenter states the General Plan projections are not mentioned in the cumulative analysis sections of the EIR and uses hydrology as an example. Section 4.9.7, *Hydrology and Water Quality – Cumulative Impacts*, says that *“Increased impervious surfaces are likely to alter existing hydrology and increase potential pollutant loads. However, all future development in the City and throughout the Santa Ana RWQCB will be required to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit program. Continued growth is anticipated to occur in the City and surrounding areas and all new development and significant redevelopment will be required to minimize its individual impacts to water quality and pollutant transport through implementation of BMPs.”* The term “in the City” refers to projected growth in the City as it occurs in the future, the commenter apparently wants any reference to growth within the City to refer to the General Plan projections. That is not necessary or clarifies the cumulative analysis to any great degree, and appears merely to be argumentative on the wording of the section rather than the analysis or conclusions reached. The WLC site is relatively isolated hydrologically due to the presence of SR-60 and Gilman Springs Road immediately upstream of the site. Therefore no regional development will substantially affect drainage onto the WLC site in the future. In addition the project hydrology report demonstrates the WLC project will not have significant drainage impacts on downstream properties in the future.

Response to Comment F-8-98. The commenter states the EIR cumulative analysis for hydrology restates the project impact analysis. It must first be remembered this is a programmatic document, and future specific development will have its own project-level CEQA analysis. However, it is instructive to note the “project-level” analysis referred to by the commenter, and outlined in Section 4.9 of the EIR, concludes the WLC project may have significant impacts but provides mitigation, based on accepted regulatory programs and best management practices, to eliminate those impacts. The EIR then assumes that other (cumulative) development projects will be required to mitigate their own project-level impacts to less than significant levels by similar methods. Looking at development across the entire region, it is also reasonable to assume if each future development must mitigate its own impacts to less than significant, and this is monitored by federal and state regulatory agencies, the cumulative impacts to hydrology and water quality will similarly be less than significant. Therefore there is no need for additional cumulative analysis on a project that will not contribute to any cumulative impacts.

Response to Comment F-8-99. The commenter explains that a project’s individual impacts do not affect its cumulative impacts. The DEIR did examine potential regional impacts of development of the WLC site in light of planned or future development in the surrounding region. The commenter

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

provides no empirical evidence that the project will actually have a cumulatively considerable impact on area hydrology or water quality.

Response to Comment F-8-100. The commenter explains how cumulative impacts should be determined. Section 4.9.7 of the EIR did evaluate potential cumulative impacts of the WLC project, and Responses to Comments F-8-96 through F-8-99 above attempt to clarify this analysis and the DEIR conclusions.

Response to Comment F-8-101. The commenter expresses concern about the EIR's analysis of cumulative wastewater impacts similar to Responses to Comments F-8-96 through F-8-99 regarding water resources. The commenter also asks whether the City's projections for the Moreno Valley Regional Water Reclamation Facility will have sufficient wastewater treatment capacity for future development. The City has reviewed the land uses proposed in the WLC project and the potential wastewater generation will be considerably less than anticipated under existing land use and zoning designations (i.e. Moreno Highlands Specific Plan) which were included in the City's plans for long-range wastewater service within its service boundaries so the lower wastewater generation rates of logistics and warehousing uses under the WLCSP can easily be accommodated with anticipated increases in wastewater treatment planned by the City. The City's capital improvement program typically includes these types of specific improvements only 5 years in the future and additional improvements are scheduled as needed for at least 5 years in the future.

Response to Comment F-8-102. The commenter warns the WLC project alone may not trigger wastewater expansion or significant impacts regarding wastewater treatment, but the WLC project, in conjunction with other development, could have cumulative impacts. As pointed out in Response to Comment F-8-101, the City has anticipated growth within its service area and has planned improvements to its treatment facilities to accommodate planned growth. Since the WLC project would generate substantially less wastewater than uses under the current General Plan (i.e., Moreno Highlands Specific Plan), which formed the basis for determining needed wastewater treatment facilities the WLC project would not make a significant contribution to cumulatively considerable impacts to regional wastewater services.

Response to Comment F-8-103. The DEIR does evaluate the cumulative impacts of the proposed project in Sections 4.1-4.16 for each environmental topic that was analyzed. Refer to Responses to Comments F-8-96 through F-8-98, F-8-101, and F-8-102.

Response to Comment F-8-104. The commenter states the EIR has not identified any specific growth-inducing impacts of the project. In fact, Section 5.3 describes the growth-inducing effects of the WLC project, while Section 4.13, *Population, Housing, and Employment*, provide project-specific projections as to the fiscal and employment benefits of the project, while indicating why housing or population impacts of the project would be less than significant. Since the DEIR demonstrates there are no significant adverse population or housing impacts from the WLC project, it would be overly speculative to try to evaluate potential indirect and incremental environmental impacts of this potential growth on the City or surrounding communities.

Response to Comment F-8-105. The commenter contests the EIR's assertion that any additional housing needed to support the WLC project would be consistent with planned growth. In one way the commenter is correct, the proposed WLC project would not be consistent with current housing or population growth predictions because it would substitute industrial warehousing for planned residential and mixed use development, and would substantially reduce the amount of land available for future housing within the City. DEIR Section 4.13, *Population, Housing, and Employment*, indicates why this change would be beneficial to the City (i.e., large shift in the jobs/housing ratio of the City). There may be some indirect induced growth over a long period of time as the WLC project builds out, however, it would be overly speculative to try to estimate that growth.

First, the City currently has a high unemployment rate, so it is likely that many of the first jobs produced by the WLC project would go to unemployed City residents as well as unemployed workers in other nearby communities (e.g., Redlands, Riverside, Perris, etc.). Second, the City's General Plan indicates future (anticipated) growth of 6,169 houses over the next 8 years, which would absorb many of the new jobs generated by the WLC project. For example, the WLC project would be developed in lieu of the approved Moreno Highlands Specific Plan (MHSP), which could have introduced 7,736 dwelling units and 17,019 new residents into the City over the next 20 years or so. Development of the WLCSP would supplant that planned growth, so it is not likely the WLC project would induce substantial new residential growth over that anticipated by the MHSP. Finally, it is possible the project would generate some need for additional housing at some point in the future, but it is overly speculative to estimate specifically how much because of the many variables involved in future residential development (e.g., actual phasing of WLC development and local housing development, the availability of vacant land for housing, future development costs, etc.). Therefore, the DEIR concluded that population and housing impacts of the WLC project would be less than significant (in fact would substantially help the City's jobs/housing ratio), and Section 5 concluded the project would not induce substantial new growth of population or housing into the City.

Response to Comment F-8-106. The commenter says the EIR contradicts itself by saying the project does not require major extensions of existing infrastructure, but would result in the installation of considerable infrastructure. The commenter has interpreted the statements incorrectly. The DEIR correctly indicates that there is considerable existing infrastructure available adjacent to the WLC site, mainly due to the presence of existing development west of Redlands Boulevard and northeast of Eucalyptus and Redlands (i.e., Skechers). Due to the size of the project site, an extensive network of roads, pipelines, electrical lines, etc. must be constructed onsite to serve the new uses. However, in most cases, adequate infrastructure is available adjacent to the site to provide service capability (i.e., water supply, wastewater conveyance and treatment, electrical lines, etc.). So both statements are correct, but it will take careful coordination between future development, the City, and the various utility and service providers to make sure adequate services can continue to be provided as the area east of Redlands Boulevard is developed. The commenter must remember that this is a programmatic document, and cannot by its nature detail how specific utility connections and service provisions will be made until specific development proposals are brought forward in the future, with subsequent CEQA analysis tiered off this programmatic EIR.

Response to Comment F-8-107. The commenter believes the alternatives studied in the EIR are not a reasonable range and the objectives are drawn too tightly to comply with CEQA. The alternatives analysis in the EIR does in fact represent a reasonable range of alternatives, including several with reduced impacts. However, those alternatives must be evaluated in light of project objectives, which in this case are to create a regional logistics campus, improving the City's jobs/housing balance and providing financial benefits to the City. A plan of this scope and scale must by its very nature have broad and large objectives, some of which could not be met by much smaller or very different projects. Indeed, it would be very difficult for just about any project of this size (i.e., 2,600 acres) to substantially reduce the significant impacts identified for the proposed project except possibly for air quality (i.e., health risks from diesel particulate matter and toxic air contaminants from diesel exhaust). All of the other project alternatives propose land uses that would not produce as many truck-related air emissions (e.g., No project - Moreno Highlands Specific Plan, Less Intense Alternative, and Mixed Use Alternatives A and B) would also not fulfill the City's objectives. However, some would produce substantially more vehicular traffic and would not introduce nearly as much employment as the proposed project which helps improve the City's jobs/housing balance.

In addition, satisfying the market demand for warehousing, maximizing employment opportunities, and improving the jobs/housing imbalance, all in the context of supporting the City's Economic Development Action Plan, are important, indeed fundamental objectives. See FEIR Volume 1 Response to Comments Section 1.5.1 for 2011 and 2013 Economic Development Action Plan

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

objectives related to the WLC. The comparison of the environmentally superior alternative, the reduced density alternative, as shown in Table 6.T of the DEIR demonstrates the objectives are not as fully met by the reduced density alternative. However it will be up to the City Council to determine if the benefits of the proposed project outweigh its detriments.

Response to Comment F-8-108. The commenter has quoted only a portion of the project's objectives and has omitted those which set forth the City's desired economic objectives, particularly those which seek to increase the number of jobs within the City and to improve the City's jobs/housing balance. See the full set of objectives at DEIR page 3-73 and the discussion of the City's housing and employment situation in DEIR Section 4.13.1. Also see Responses to Comments F-7A-68., F-8-107, and F-8-111.

Response to Comment F-8-109. Any site location not in the City would not allow the City to derive project benefits as outlined in the project objectives. See Responses to Comments F-8-108 and F-8-111.

Response to Comment F-8-110. The commenter suggested alternative sites be studied in more detail or be classified as alternatives considered but rejected. The various alternative sites were evaluated to the degree necessary to determine if any would reduce or eliminate one or more significant impacts of the proposed project, which are their purpose. Whether they remained within the body of the alternatives analysis or were moved to the section mentioned by the commenter, the conclusion would still be the same, there are no feasible alternative sites in the general project area that could support the WLC project as proposed, or that would substantially reduce or eliminate one or more significant impacts of the proposed project due to a different location. As discussed previously, this is due mainly to the size and nature of the proposed project with its need for freeway access. See Responses to Comments F-8-108 and F-8-68.

Response to Comment F-8-111. The commenter believes the project objectives are only those of the developer. In fact, the twelve objectives are a combination of private and public interests, as follows:

- "Create substantial employment opportunities for the citizens of Moreno Valley and surrounding communities" (Objective #1);
- "Provide the land use designation and infrastructure plan necessary to meet current market demands and to support the City's Economic Development Action Plan" (Objective #2);
- "Establish design standards and development guidelines to ensure a consistent and attractive appearance throughout the entire project" (Objective #4);
- "Create a project that will provide a balanced approach to the City's responsibilities of fiscal viability, economic expansion, and environmental integrity" (Objective #7); and
- "Significantly improve the City's jobs/housing balance and help reduce unemployment within the City" (Objective #10).

These clearly show the objectives embody both public and private goals for the WLC project. See FEIR Volume 1 Response to Comments Section 1.5.1 for all 2011 and 2013 Economic Development Action Plan objectives related to the WLC. The EIR used the ability of an alternative site to accommodate the proposed project, and the significant impacts of the proposed project, as the two main factors to evaluate alternative sites.

Response to Comment F-8-112. Response F-8-111 above has demonstrated the project objectives are not narrowly drawn but include a wide range of both public and private goals for the project. The

EIR has provided an evaluation of alternatives and alternative sites consistent with the intent and requirements of CEQA.

Response to Comment F-8-113. The alternatives analysis did identify several alternatives to the project that would lessen some of the significant environmental impacts of the WLC project. However, it must be remembered that any development project of this size would create significant environmental impacts, including air quality, traffic, noise, etc. For example, under the current South Coast Air Quality Management District thresholds, only an alternative that was substantially smaller (i.e., less than 2.5 percent or 1 million square feet) of warehousing would have less than significant air quality impacts. This drawback of the project size was discussed in the introduction to the alternatives section. As shown in Table 6.S, Alternative 1 (Less Intense Development) and Alternative 3 (Mixed Use B) both reduce air quality, greenhouse gas, and noise impacts of the proposed project, but not to less than significant levels mainly due to the size of the alternative land use plans. Any substantial development project on the WLC property that produces a large amount of new employment (e.g., office, commercial, light industrial) would result in a number of significant impacts such as traffic, air quality, noise, etc., many of which would be similar to those of the proposed WLC project, including truck exhaust pollution issues which would also be generated by light industrial and commercial uses.

Response to Comment F-8-114. The commenter states that Alternative 2 (Mixed Use A) is a “straw man” alternative that was developed just to be rejected as having more impacts. In fact, it is difficult to craft a reasonable alternative for such a large project site that generates large amounts of employment without generating many significant impacts as well. For example, the result of trying to reduce truck-related impacts (i.e., health risks from diesel air pollutants) is that other types of non-residential land uses generate employment but also generate large amounts of vehicular traffic, especially during peak hours (e.g., commercial, office, light industrial). From any kind of development on a site of this size, there would be potentially significant impacts associated with hydrology and water quality, utilities, public services, traffic, air quality, noise, etc. Even allowing all low intensity residential uses on the site would create significant traffic and air quality impacts, as indicated in Section 6.2.1, *Alternatives Considered But Not Carried Forward For Detailed Analysis - All Residential Uses*.

Response to Comment F-8-115. The commenter objects to Alternative 3, which is similar to the Moreno Highlands Specific Plan (MHSP) but replaces 603 acres of commercial uses with logistics warehousing. This alternative was an attempt to develop an alternative that substantially reduced the amount of logistics warehousing (603 acres instead of 2,610 acres or less than a quarter of the WLC project) to generate employment while trying to reduce truck-related impacts of traffic and air quality (health risks). However, the residential uses of the MHSP end up generating a large amount of vehicular (car) traffic, so the significant impacts are not eliminated except for truck-related emissions. As explained in Response to Comment F-8-114 above, it is difficult for any development alternative on a site the size of the WLC property not to generate a number of significant impacts. However, it is reasonable to assume that an alternative with mainly residential uses (1- and 2-story houses) with over 75 percent less warehouses would have substantially less visual impacts than the proposed WLC project. Lower and fewer buildings would very likely reduce potential visual impacts along SR-60 to less than significant levels, but obviously that would depend on the location of the warehouse buildings.

Response to Comment F-8-116. The commenter states the Reduced Density Alternative 1 must be on a smaller footprint of land to reduce significant impacts. A reduced density alternative, unless it was reduced less than 2.5 percent the size of the proposed WLC project, would not reduce the significant air quality impacts, although it would reduce most of the other impacts of the project to less than significant levels. A project that small would only occupy 65 acres or less, so the question would still remain what development would occur on the remaining 2,545 acres, and what impacts that development would have. Certainly a reduced footprint would help reduce some of the indirect

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

impacts identified in the EIR related to the San Jacinto Wildlife Area (SJWA), but those were not determined to be significant impacts, so they are not addressed in the development of alternatives. The EIR has also determined that continued agriculture is not a viable long-term land use for the project site, so creating a large buffer of agricultural land around the site, or even just on the southern end, would still result in development of some type of land use on the buffer land unless the state or some other entity were to purchase the vacant “buffer” land to add to the SJWA.

Response to Comment F-8-117. The commenter has misunderstood the project’s application to the San Jacinto Wildlife Area. The only project actions which affect the CDFW Conservation Buffer Area, the northern most portion of the San Jacinto Wildlife Area, are the General Plan Amendment and rezoning which change the designation of the CDFW Conservation Buffer Area from residential to open space. Also, please see the Responses to Comments F-7A-67 and F-8-108.

Response to Comment F-8-118. The commenter summarizes several issues about the alternatives. A reduced footprint alternative would reduce greenhouse gas emissions, but the drawbacks of a reduced footprint alternative also discussed in Response to Comment F-8-116.

The DEIR Section 6.0 Alternatives does evaluate a Reduced Density Alternative, *Section 6.3.6 Alternative 1: Reduced Density*. This alternative assumes a 28 percent reduction in building square footage, 41.6 million square feet vs 29 million square feet. The analysis concludes with this reduction many of the impacts remain significant and unavoidable. Further reduction in density would not achieve the fundamental project objectives of maximizing employment opportunities, improving the jobs/housing imbalance, and supporting the City’s Economic Development Action Plan. See FEIR Volume 1 Response to Comments Section 1.5.1 for 2011 and 2013 Economic Development Action Plan objectives related to the WLC. Agriculture is not a viable land use because of housing affordability in the region, rising cost of land, competition from other regions, and volatile water allocations. The agricultural quality of the WLC site is quite low. It has been planned and zoned for development for over 20 years. See the discussion in the DEIR at pages 4.2-13 and -19. Section 5.F of the revised TIA (FEIR Volume 2, Appendix L-1) discusses the possibility of having rail service serve the project and concludes that it is infeasible. Also, please see the Responses to Comments F-7A-67 and F-7A-68.

The DEIR did include several alternatives that substantially reduced truck traffic to and from the project site (Mixed Use A and B = Alternatives 2 and 3), and Responses to Comments F-8-114 and F-8-115 in this letter address drawbacks of Alternatives 2 and 3.

The revised DEIR and TIA (FEIR Volume 2, Appendix L-1) includes a study on the use of rail to reduce truck traffic. The conclusion is rail is not a viable option for several reasons, primarily due to physical constraints of rail access to the project (grade, impacts to existing developed areas) and rail is not economically viable until transports exceed 500 miles. The majority of the demand for goods and products occur within the southern California region, well under the 500 mile threshold. In addition, Response to Comment F-3-5 from Letter F-3 explains why rail service is infeasible to the WLC project site, and would result in additional environmental impacts were it to be extended to the site.

Response to Comment F-8-119. The commenter states the EIR must develop an environmentally superior alternatives. The EIR did identify the Reduced Density Alternative as environmentally superior to the proposed project. However, it was rejected as it did not meet the project objectives to nearly the degree as the proposed project. The discussion in Responses to Comments F-8-107 through F-8-119 above in this letter explain why it is difficult to develop an alternative on a site the size of the WLC property that generates substantial employment but does not generate many significant environmental impacts as well.

Response to Comment F-8-120. The commenter states the EIR must be recirculated. The commenter's CEQA citations are correct, but the conclusion drawn is incorrect. While a lot of additional information has been generated subsequent to circulation of the DEIR, mainly in response to the many comments on the EIR, none of the additional analysis or responses has indicated the project will have any substantially different or new significant impacts than those identified in the DEIR. Therefore, a FEIR has been prepared with extensive response to comments, and the public and City Council will be provided adequate time to review the responses before a decision is made on the project. Also, please see the Response to Comment F-7A-11.

Response to Comment F-8-121. The commenter states that State Planning and Zoning Law requires that development decisions be consistent with the jurisdiction's general plan and goes on to cite court cases to that effect. Because to the reasons stated by the commenter her opinion is the project is not consistent with the City's current General Plan and approval of the project would violate State law. The analysis in the EIR actually indicates the project is generally consistent with the General Plan current goals, policies and objectives, but the proposed project includes a General Plan Amendment that will assure the WLC project and General Plan are consistent with each other. DEIR Section 3.5, *General Plan Amendment*, in the project Description outlines changes to various elements of the General Plan. If the project is to be approved, the General Plan Amendment will also need to be approved so the two plans are consistent with each other.

Response to Comment F-8-122. The commenter states the City's General Plan is legally inadequate because it contains a statement that the provisions of specific plans take precedence over provisions of the General Plan to the extent the two documents are inconsistent. Because of this general Plan inadequacy implicates this project cannot be lawfully approved. However, the City Council, which is responsible for approving the City's General Plan, can determine that the Specific Plan is generally consistent with the General Plan in that it complies with the overall intent of the General Plan, yet contains details or aspects that are not fully consistent with the current General Plan and must therefore process a General Plan Amendment to make the two planning documents consistent with each other. If this is done, the Specific Plan would be consistent with the state planning laws cited by the commenter. It will be the purview to the City Council to approve or deny the proposed project and they will have to make findings as to the proposed project consistency with the City's General Plan.

Response to Comment F-8-123. It is the commenter's opinion the EIR is deficient, does not comply with the General Plan, and must be recirculated. The EIR is consistent with the goals and requirements of CEQA, has provided the decision-makers with sufficient objective information upon which to make an informed decision, and the WLCSP will be consistent with the City's General Plan if the proposed General Plan Amendment is approved as part of the project entitlements. After careful review of all the additional information provided in response to comments on the DEIR, none of the additional analysis or responses has indicated the project will have any substantially different or new significant impacts than those identified in the DEIR. Therefore, a FEIR has been prepared with extensive response to comments, and the public and City Council will be provided adequate time to review the responses before a decision is made on the project.

Letter F-9A: Sierra Club, Sierra Club, Center for Community Action and Environmental Justice, and Natural Resources Defense Council (April 8, 2013) and Appendix 1 (on Flash Drive)



April 8, 2013

Mark Gross
Senior Planner
14177 Frederick Street
Moreno Valley, CA 92553
planning@moval.org

Re: World Logistics Center Project Draft Environmental Impact Report (SCH #2012021045)

Dear Mr. Gross:

On behalf of the Sierra Club, Center for Community Action & Environmental Justice, and the Natural Resources Defense Council, we provide comments on the World Logistics Center Project Draft Environmental Impact Report ("EIR"). We appreciate the opportunity to provide comments on the EIR for the World Logistics Center Project ("WLC" or "Project"). Given the inevitable regional and acute local impacts of the proposed Project, it is especially important that the EIR contain the necessary analysis to enable both the decision makers and the public to understand the significant environmental repercussions of this Project. Additionally, it is also critical that the EIR compare the proposed Project to other possible alternatives. Instead, the EIR effectively disguises the true impacts of the Project by omitting crucial information, underestimating many environmental impacts and ignoring others altogether.

1

Overall, this project, which is planned to be the largest master planned warehousing development in the world, will exact a large toll on the environment and public health even under the favorable assumptions used in the EIR. For example, the EIR concedes the Project will interfere with the Air Quality Management Plan, which is the region's roadmap for clean air. As we fight to meet air quality standards, these types of projects, which emit thousands upon thousands of pounds of pollution a day must not be approved, until and unless they comply with clean air plans and adopt **ALL** feasible mitigation measures. And, as articulated below, the full extent of the impacts is not even articulated in the EIR. By way of example, the EIR dramatically underestimates by 50% to 100% the number of trucks that will serve this Project. Since the number of trucks serves as the lynchpin to several analyses in the EIR (i.e. air quality, traffic, noise, etc), this flaw demands that the analysis be revised. Underestimating the level of truck traffic expected for this Project does a disservice to the public and decision-makers.

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It effectively masks the extent and challenges this Project will exact on the region and local communities. .

3

As a result of the EIR's inadequacies, there can be no meaningful public review of the Project. CEQA accordingly requires the City to prepare and circulate a revised EIR to permit a complete understanding of the environmental issues at stake, if its wishes to pursue this project.

4

I. The Proposed Project will have an Indelible Impact on Adjacent Communities and the Region in General.

The health impacts and regional air quality impacts from freight activities are well documented. Of all listed Toxic Air Contaminants identified by the California Air Resources Board ("CARB"), diesel particulate matter ("DPM") is known to present the greatest health risks to Californians.¹ Dozens of studies have shown adverse impacts from DPM and Oxides of Nitrogen ("NO_x") including respiratory disease, cardiovascular mortality, cancer, and reproductive effects as well as an increase in regional smog and water contamination. CARB has determined that diesel exhaust is responsible for over 70% of the risk from breathing our air statewide and in the South Coast Air Basin ("SCAB").² Further, the South Coast Air Quality Management District ("SCAQMD") in the Multiple Air Toxics Exposure Study III ("MATES III") "indicate[ed] that diesel exhaust is the major contributor to air toxics risk, accounting on average for about 84% of the total" risk from breathing air toxics."³

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Residents in Inland Empire communities will undoubtedly face additional impacts due to the increased pollution from this Project. For sensitive populations, such as children and the elderly, and for those who live and work in close proximity to these major sources of diesel exhaust, the risk will be even higher.

In recent years, environmental health researchers have firmly established the linkage between air pollution exposure and a range of negative health outcomes, including slowed lung growth rates in children (Gauderman et al Cohort C, Cohort D papers), exacerbation of existing respiratory disease (McConnell et al EHP bronchitis/asthmatic paper), increased absences from school due to respiratory illness (Gilliland et al CHS absences paper), and increased mortality. The following charts display the troubling findings of the impacts of air pollution on

¹ CARB, *Emissions Reduction Plan for Ports and Goods Movement in California*, 7 (2006)(hereinafter "ERP").

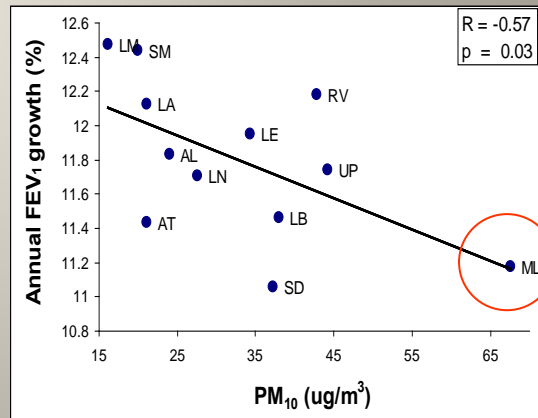
² ERP, at 7.

³ SCAQMD, Multiple Air Toxics Exposure Study for the South Coast Air Basin-III, at ES-3 (September, 2008) available at <http://www.aqmd.gov/prdas/matesIII/Final/Document/ab-MATESIIIExecutiveSummary-Final92008.pdf> (hereinafter "MATES III").

health of residents in the Inland Empire, including our most vulnerable populations, children.

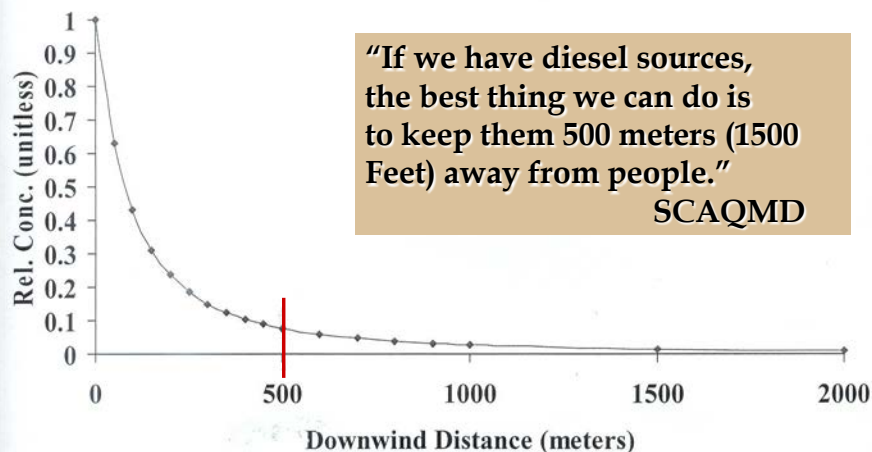
USC Children's Health Study

- University of Southern California (USC), Children's Health Study found children in the Mira Loma area to have the **slowest lung growth and weakest lung capacity**.²

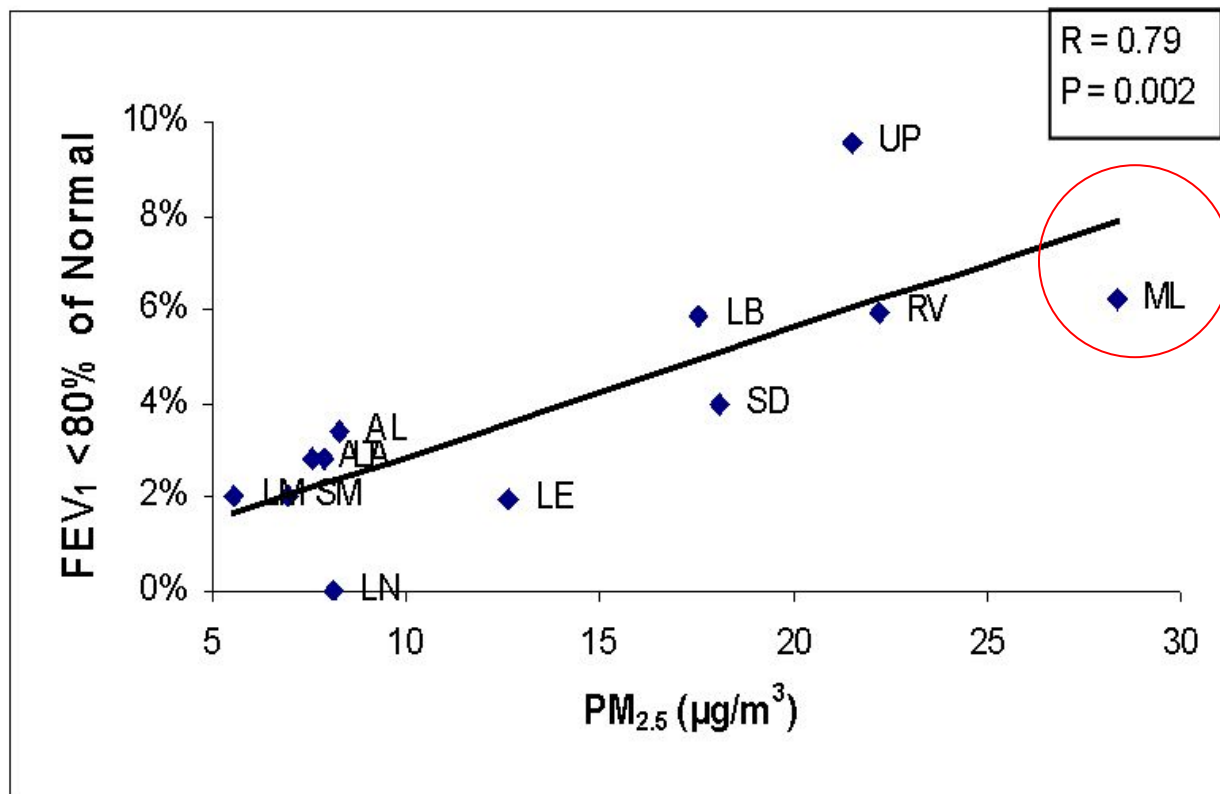


²"Association Between Air Pollution and Lung Function Growth in Southern California Children", American Journal of Respiratory and Critical Care Medicine; Gauderman, W. James; McConnell Rob; et al, Department of Preventive Medicine, University of Southern California School of Medicine, Los Angeles.

Sensitivity of Concentrations to Downwind Distance



SCAQMD “Mira Loma Specific Air Management Project”, 2002. Presentation by Mike Nazemi before the Mira Loma Community Committee. August 29, 2002.



South Coast Air Quality Management District, “Multiple Air Toxics Exposure Study in the South Coast Air Basin” (MATES II Study), March 2000.

In addition to the large impacts on residents and workers closest to the sources of emissions, distribution center operations pose a particularly acute threat to regional air quality. The area where the proposed project is located, consistently ranks near the top of the list for the nation's most polluted air.⁴ Freight transport, including the operations culminating in the Inland Empire, greatly contributes to the persistent failure of the South Coast Air Basin ("SCAB") to meet federal and state clean air standards established by the Environmental Protection Agency. Without all feasible mitigation, the SCAB could fail to achieve the federal annual PM2.5 standard by 2014, the 8-hour ozone standard by 2024, and other air quality standards. This project proposes to add additional pollution that would not have occurred if the project was not built. Against this backdrop, there are several deficiencies in the EIR that must be addressed.

6

II. The EIR Provides Inadequate Analysis of and Mitigation For the Project's Traffic Impacts.

There are a number of important flaws in the transportation and traffic section of the EIR. As such, further study must be undertaken to properly identify, analyze, and mitigate the traffic impacts of the proposed Project.

7

CEQA requires that all adverse and significant traffic impacts be properly disclosed, analyzed and, where feasible, mitigated. Until these various issues and concerns are addressed, there is substantial evidence that the proposed Project may have adverse traffic impacts, and these impacts have not been properly disclosed, analyzed, or mitigated. According, the Draft EIR for the WLC must be revised and recirculated.

Most of these concerns are discussed at length in the Review of the EIR for the World Logistics Center prepared by Mr. Tom Brohard for NRDC ("Brohard Letter"). Mr. Brohard is a Professional Civil Engineer in both California and Hawaii and a Professional Traffic Engineer in California. He has over 40 years of engineering experience. His report is attached to this Letter as Exhibit A and incorporated herein by reference. The EIR and its technical studies should be revised to address the flaws identified by Mr. Brohard. Below are some particularly salient points from the Brohard Letter.

8

⁴ See AMERICAN LUNG ASSOCIATION, STATE OF THE AIR 2012 12-17 (2012), available at <http://www.stateoftheair.org/2012/assets/state-of-the-air2012.pdf>. San Bernardino and Riverside Counties rank first and second, respectively, as the most ozone-polluted counties nationwide. *Id.* at 17. San Bernardino and Riverside are also among the most polluted counties by year-round particle pollution (annual PM2.5), ranking ninth and fourth respectively nationwide. *Id.* at 16.

a. The EIR Uses an Improper Baseline.

As outlined in Exhibit A, the traffic analysis uses a faulty baseline. In particular, the EIR and its TIA analysis contain three critical flaws in this regard. First, the EIR fails to adjust upward for 2011 traffic counts.⁵ Second, the EIR and TIA fail to adjust for seasonal fluctuations.⁶ Finally, the EIR does not indicate if there were adjustments made to convert trucks to passenger car equivalents.⁷

9

b. Direct and Cumulative Impacts are Incorrectly Identified.

The Brohard Letter identifies more than three pages of examples where direct traffic impacts are not disclosed in the EIR.⁸ With more than 50 additional direct project traffic impacts not revealed in the EIR, this precludes a proper analysis of the major traffic impacts from this Project. Also, by failing to disclose these impacts properly, the EIR forecloses analysis of proper mitigation for these intersections where traffic will be degraded.

10

c. The EIR Dramatically Underestimates Truck Traffic.

As articulated in the Brohard Letter, truck trips are underestimated for this Project.⁹ Of particular importance, even using the favorable assumptions from the NAIOP study, this estimate of daily passenger car equivalents is underestimated by 14,281.¹⁰ Thus, the EIR fails to disclose the true extent to the major traffic impacts imposed by this Project.

11

d. The EIR Ignores Several Feasible Measures That Would Mitigate the Project's Traffic Impacts.

There are many problems with the mitigation measures for this Project. The Brohard letter has identified several mitigation measures that should be implemented to reduce the impacts of this Project.¹¹ Also, the EIR proposes no mitigation measures for 2017 or 2022.¹² Since there are significant project impacts in this timeframe, CEQA requires the adoption of all feasible mitigation measures to reduce significant impacts like traffic impacts or if there is substantial evidence

12

⁵ Brohard Letter, at 2-3.

⁶ Brohard Letter, at 2-3.

⁷ Brohard Letter, at 3.

⁸ Brohard Letter, at 6-10.

⁹ Brohard Letter, at 5.

¹⁰ Brohard Letter, at 6.

¹¹ Brohard Letter, at 11-12.

¹² Brohard Letter, at 11.

as to why the mitigation measures are infeasible.¹³ And even the mitigation offered is flawed. For example, the Brohard Letter identifies flaws with the mitigation measures on pages 13-14. Most importantly, the Brohard Letter identifies that many of the mitigation measures will not be implemented in a timely fashion.

12

III. The DEIR Provides Inadequate Analysis of and Mitigation For the Air Quality Impacts.

The air quality analysis suffers many flaws that render it incapable of informing public decisions on the merits of this Project. In particular, the EIR underestimates emissions from this Project. Three assumptions create this underestimation, including a) underestimating trip generation numbers, b) underestimating the percentage of trucks associated with the Project, and c) underestimating trip lengths for both autos and trucks.

13

a. The EIR Uses Faulty Trip Generation Numbers.

Trip generation assumptions are of paramount importance in accurately disclosing the environmental impacts of a project. The trip generation numbers are artificially deflated for this Project, which underestimates the air quality impacts from this project. In particular, the EIR's Air Quality Analysis uses a trip generation number based not on ITE Trip Generation Manual, but rather discounted based on the NAIOP study.¹⁴ The EIR also relies on guidance from SCAQMD, which is reproduced in Exhibit B to this comment letter.¹⁵ The guidance relied upon in pertinent part, states –

14

In order to avoid underestimating the number of trips associated with large warehouse / distribution center operations without rail service, AQMD staff recommends that lead agencies utilize a rate of 2.59 trips per TSF for large warehouse air quality analyses on a project specific basis. The value of 2.59 from the nationwide dataset is preferable instead of the SCAB rate of 3.68 due to the greater reliability of data based on the larger sample size. For warehouses with rail service, a rate of 1.63 trips per TSF may be used. These values provide reasonable worst case default rates for individual new warehouses in the absence of more project-specific data.

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In the case that air quality is evaluated for multiple warehouses (>10), such as in an analysis for a general plan, the average rate of 1.44 trips per TSF from the ITE 8th Edition Trip Generation manual is acceptable. This lower value may be more appropriate as on

¹³ Pub. Res. Code § 21081(a)(3).

¹⁴ EIR, at 4.15-30.

¹⁵ EIR, Appendix D, at 110.

average, a small portion of warehouses can be expected to operate at varying levels of service, including some warehouses experiencing temporary partial or complete vacancy.¹⁶

15

The basis for using a lower trip generation than the rate of 2.59 recommended in SCAQMD's guidance is laid out in the case where 1) there is rail access or 2) "a small portion of warehouses can be expected to operate at varying levels of service, including some warehouses experiencing temporary partial or complete vacancy." Here, since there is no rail access, the project proponents presumably rely on the latter assumption related to more than 10 warehouses. However, the EIR does not contain sufficient analysis to demonstrate this trip generation number is appropriate. For example, the EIR and its studies fail to articulate the amount of temporary partial or complete vacancy that is expected at this complex. In fact, in Appendix O, which articulates the economic benefits of the operation of this facility, there does not anticipate "temporary partial or complete vacancy." To the extent the EIR anticipates that portions of this warehouse complex are presumed to lay vacant, these assumptions should be articulated in all relevant sections of the EIR (e.g. purpose and need section, economic analysis). Absent this justification, the Project should assume the higher trip generation from the ITE Trip Generation Manual for individual warehouse developments.

16

b. The EIR uses Faulty Assumptions About Truck Trips as a Percentage of Total Trips.

Even if the trip generation numbers are based in reality, the EIR dramatically underestimates the percentage of trips that are by trucks.¹⁷ As outlined in the Brohard Letter, the assumption that only 20% based on a 2003 Fontana Study of warehouse trips attributed to trucks is not supported by the record. In particular, three sources cut against use of this artificially low threshold.

17

First, the SCAQMD recommends using a much higher truck assumption. In pertinent part, SCAQMD recommends –

[i]n order to avoid underestimating the number of trucks visiting warehouse facilities, AQMD staff recommends that lead agencies conservatively assume that an average of 40% of total trips are truck trips $[(0.48*10 + 0.2*4)/(10+4)=0.4]$. Without more project-specific data (such as detailed trip rates based on a known tenant schedule), this average rate of 40%

¹⁶ South Coast Air Quality Management District, CalEEMod, Appendix E, Technical Source Documentation, *available at* <https://www.aqmd.gov/caleemod/doc/AppendixE.pdf> (Exhibit B), at 15.

¹⁷ EIR, at 4.15-32 (Table 4.15M).

provides a reasonably conservative value based on currently available data.¹⁸

The 40% recommendation is 100% higher than the 20% estimate used for this EIR. Despite claims by the EIR that the air quality analysis is conservative, this assumption renders the analysis completely indefensible because it undercuts the extent of emissions from this project.

Second, Appendix S to the TIA includes the December 20, 2011 NAIOP Truck Trip Generation Study of 31 high-cube warehouses larger than 500,000 square feet in size in the Inland Empire prepared by Kunzman Associates (“NAIOP Study”).¹⁹ This study indicates that 69.70 percent of the high-cube warehouse trips were made by cars and 30.21 percent of the high cube warehouse trips were made by trucks.²⁰ Even this study, which was relied upon in the EIR to provide justification for a much lower trip generation number than that in the ITE Trip Generation Manual, demonstrates that 20% of trips are attributed to trucks is an inappropriate estimate for high cube warehouses. If the EIR wishes to deviate from using this analysis, it must explain why it deviates from “[t]he 2011 NAIOP [study, which] provides the more accurate trip generation for the proposed project as the NAIOP study is the most comprehensive trip study performed for high-cube logistics warehouses.”²¹

Third, the Peer Review of the NAIOP Study in Appendix T to the TIA Report states that “[b]ased on the study’s small overall sample size and the fact that only one warehouse over 500,000 square feet was included in the analysis, the 2003 Fontana Study is not an appropriate source for vehicle/truck trip generation rates for modern high-cube warehouses uses larger than 500,000 square feet.”²² Thus, the record also includes evidence that the study in which the 20% truck share number is established is deeply flawed.

The dramatic underestimation of trucks is important because as the EIR concedes, “heavy-duty trucks have greater NOX, PM10, and PM2.5 emissions compared with automobiles.”²³ This means that under a conservative assumption endorsed by the SCAQMD, the trucks are underestimated by 100% in the EIR. Even using the less conservative assumptions of the NAOIP study, trips from trucks in the EIR are underestimated by 50%. A particular flaw is the underrepresentation of heavy-heavy duty trucks, which under the 2003 are presumed to be only 12 percent of total trips, but the NAIOP study indicates heavy-heavy duty truck trips

¹⁸ Exhibit B, at 16.

¹⁹ Brohard Letter, at 5.

²⁰ Brohard Letter, at 5; *see also* Appendix L, Appendix S, at 11.

²¹ EIR, at 4.15-31.

²² Brohard Letter, at 5; *see also* Appendix L, Appendix T, at 5-6.

²³ EIR, at 4.3-50.

should be much greater than what this outdated study articulates. This underestimation renders the EIR incapable of informed decision-making because it underestimates the number of trucks by thousands. As a result of this analysis, the total emissions from the project are incorrect, in addition to the health risk assessment, which underreported health risk due to the failure to include

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c. The Proposed Trip Lengths are Not Support in the EIR.

Also, of great concern, the EIR underestimates trip length for trucks using the proposed warehousing facilities. NRDC retained Dr. Alex Karner to look at the trip length assumptions in the EIR and associated technical studies. This memo summarizing his findings is located at Exhibit C to the attached comments. We incorporate this analysis by reference and ask that the EIR address the comments contained therein. As noted by Dr. Karner, small changes in assumptions can dramatically impact emissions. For example, a 55 average trip length, would increase the emissions compared to the current 50 mile trip length assumed in the EIR.

21

Dr. Karner's analysis indicates that the EIR fails include sufficient data to justify the 50 mile assumed trip length.²⁴ In particular, using the EIR assumptions, only 881 of the 14,683 truck trips associated with this project in 2022 would be from the Ports. This is less than 10% of the total number of port-related trips projected for the San Bernardino Valley in 2022, which is likely to be approximately 9,100.²⁵ This low level of port-related trips is curious, given the stated goal of this warehousing project to accommodate traffic to and from the Ports of Los Angeles and Long Beach. Given this likely underestimation of trip lengths, the emissions from the project will be understated as well.

22

d. The Construction Mitigation Measures Must be Improved.

The mitigation measures for construction are vague. We recommend that the construction mitigation comply with the following requirements:

23

The mitigation measures provided for construction activity are inadequate because they fail to fully address the diesel engines used by construction equipment, which are the largest construction related emission source. Construction related emissions from this project are estimated to exceed several important health and air quality thresholds including SCAQMD regional thresholds of significance for VOC, NO_x, CO, PM₁₀ and PM_{2.5}; local thresholds for NO₂, PM₁₀ and PM_{2.5}; and cancer risk.

²⁴ EIR, Appendix D, at 120.

²⁵ Exhibit C, at 4.

While the plan calls for construction equipment to meet EPA Tier 4 emission standards in 2017 and thereafter, it continues to allow for interim tier 4 equipment that meets a particulate standard ten times less protective,²⁶ and allows for more polluting tier 3 equipment if the cleaner equipment is not easily available through a rental company.²⁷ This opens the door to widespread use of more polluting construction equipment despite the fact that tier 4 compliant construction equipment is already available and will be widely available beginning in 2014, the final U.S. EPA deadline for which it is required across the board.²⁸

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Of most concern is that prior to 2017, construction equipment is only required to meet U.S. EPA Tier 3 standards, which are similar to 1994 vintage truck standards and at least ten times more polluting than modern standards for both NOx and PM.²⁹ The WLC should adhere to the clean construction policies adopted by the Port of Los Angeles and by the Los Angeles County Metropolitan Transportation Authority (“LA METRO”).³⁰ Both of these policies require construction equipment to meet Tier 4 standards no later than 2015 and require use of diesel particulate filters on all construction equipment that does not meet Tier 4 standards starting in 2011. Further, the policies also require all on-road trucks associated with construction to meet U.S. EPA 2007 emission standards by January 2014, all trucks carrying material such as debris or fill be fully covered; and that in any case where grid power is inaccessible and generators are utilized, they must meet 0.01 gram per brake-horsepower hour standard for PM or be equipped with best available control technology for PM, such as diesel particulate filters. All three of these important elements must be applied to this project.

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We recommend a strict no idling policy on the construction site, applied to all vehicles – on- and off-road when they are not actively engaged in work on the

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²⁶ See diesel standards explained by dieselnet:

<http://www.dieselnet.com/standards/us/nonroad.php>

²⁷ “Written verification of the Tier IV equipment search of three or more rental companies shall be provided by the project applicant to the City verifying the results of the search.”

²⁸ Again, see dieselnet for more information on the phase in of interim and tier IV standards. Note that tier IV equipment phases in through 2015 only for the very largest engines, exceeding 750 horsepower and more typically used for mining, not construction. See Cummins for another helpful description of tier IV equipment and note a modest fuel savings in addition to major emission reductions associated with final tier IV equipment: <http://cumminsengines.com/tier-4-final>

²⁹ Compare standards at dieselnet.com.

³⁰ Port of Los Angeles Green Construction program, see page 160, http://www.portoflosangeles.org/CAAP/_2010_CAAP_UPDATE_FINAL.pdf
LA Metro Green Construction Policy, http://www.metro.net/projects_studies/sustainability/images/Green_Construction_Policy.pdf

site. Additionally we recommend the use of electric and alternative fueled equipment where feasible. We support the remaining construction mitigation measures and best practices, including most notably that on site electrical hook ups for equipment will be provided, where feasible. We note that establishing access to grid power is an essential priority.

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Finally, it is important for all nearby residents and sensitive sites such as schools, daycares and senior centers to be actively notified in advance of and during construction activities.

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e. The Operational Mitigation Must Be Strengthened.

Mitigation for diesel trucks in the plan is grossly inadequate, especially considering that these trucks are by far the greatest source of pollution from the project with or without the mitigation package.³¹ In fact emissions from diesel trucks in the mitigated scenario appear to be much less than the “worst case scenario” because credit is taken for a “project design feature” calling for 2010 and later model year trucks to serve the facility.³² However, this specification is not included as mitigation nor is it made clear how it will be enforced or upheld. Diesel truck emissions remain high even when the 2010 and later truck design feature is accounted for, comprising almost 3,000 pounds per day of NOx emissions or more than 90 percent of the project total; and over 120 pounds per day of PM2.5 emissions or 80 percent of the project total.³³ Not only should 2010 and newer diesel trucks be required as a minimum specific mitigation measure, the plan must go further to address this major source of pollution by adding the following mitigation measures:

28

- Require at least half of the trucks serving the facilities to be alternative fuel including, but not limited to electric and hydrogen fuel cell or hybrid vehicles.
- Require at least one quarter of trucks serving the facility to be zero-tailpipe emission vehicles; or that one quarter of goods delivered to the facility be conveyed by zero-tailpipe emission technology; and that the proportion of zero-tailpipe emission conveyance increase to fifty percent by 2020.

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Although the plan fails to adequately address pollution from the largest source, diesel trucks, there are many other mitigation measures that we support. Several mitigations are helpful, pertaining to providing ample signage to keep

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³¹ See for example, tables 52 and 57 of Air Quality, Greenhouse Gas and Health Risk Assessment Report.

³² See discussion on page 180, of Air Quality, Greenhouse Gas and Health Risk Assessment Report

³³ According to table 57 of the Air Quality, Greenhouse Gas and Health Risk Assessment Report.

trucks on truck routes and off residential streets and curtailing unnecessary idling (MM AQ-6, a, b, and c). Similarly, MM AQ-6 i providing trucking services is helpful. Other measures in MM AQ-6 seem of little consequence as they encourage compliance with existing laws. For example, it is not clear what MM AQ-6 f and g encouraging SmartWay certified trucks add to the existing California regulations requiring SmartWay type efficiency measures for trucks. We support the commitment in MM AQ-6 h to provide onsite alternative fueling infrastructure in accordance with the Regional Transportation Plan zero/near-zero emissions truck corridor along State Route 60. However, this commitment does not go far enough, as the project itself should require utilization of zero and near-zero emission trucks, discussed above.

31

Many mitigation measures are focused on reducing passenger vehicle emissions, including bikeways, bike lockers and showers, pedestrian access and others; these are helpful measures, yet they do not provide significant reductions in pollution from the project (MM AQ-7). The last element of MM AQ-7 covering buffer zones addresses near project exposures, however, is of paramount importance. We strongly support the inclusion of buffer zones, but the measure as stated must be strengthened. The South Coast Air Quality Management District noted in its May 1, 2012 letter commenting on the Draft Specific Plan for the Project, that the setbacks described in the plan are inadequate to protect public health. We share the Air District's concern that certain areas with heavy duty diesel trucking activity (e.g. roadways and loading docks) may not have adequate setback distances from residential areas and seem to focus mainly on the buildings instead of the high traffic roadways and loading areas. The Air District also notes California Air Resources Board (CARB) guidance calling for a 1,000 foot setback between sensitive sites including housing and distribution centers receiving more than 100 truck trips per day or 40 trucks with refrigeration units. According to Exhibit 21, showing the project's incremental cancer risk with mitigation accounted for, an additional cancer risk of 10 per million appears to impact the residential area far beyond 1,000 feet of the project perimeter. Thus, a minimum setback of 1,000 feet as CARB recommends is essential.

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Mitigation of pollution from transport refrigeration units (TRUs) and yard equipment such as hostlers and forklifts is entirely missing from the Plan. This type of equipment is universally associated with warehousing and therefore must be accounted for here and mitigated. We recommend the following additional mitigations:

33

- Forklifts, yard tractors, and other equipment at warehouses run steadily and never leave the site, which means their emissions accumulate nearby. All equipment should use electric battery or fuel cell engines. Where this is not possible, any remaining diesel equipment must employ the best available control technology to reduce emissions of PM and NOx, such as diesel particulate filters, cleaner fuels, and more efficient engines.

- Warehouse operators have the ability to minimize truckers' use of transport refrigeration units that rely on secondary diesel engines. WLC must provide electric hookups for refrigeration at each loading dock, minimizing the use of any diesel refrigeration units and ensuring that those that do remain in use meet the cleanest emissions standards (U.S. EPA Tier 4). Further, indoor warehouse space must provide ample storage for refrigerated goods passing through the facility to ensure that no refrigerated goods are stored in trailers or externally, requiring use of TRUs.

34

The **mitigation for greenhouse gas (GHG) emissions from this project** is also grossly inadequate. It seems that it is entirely focused on solid waste and recycling (MM AQ-8), despite the many other opportunities for GHG reduction measures.

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We strongly support the addition of a mitigation measure requiring rooftop solar generation, as the Air District suggests in their above mentioned comment letter (5/1/12). However, this mitigation measure must be enforceable and clearly articulated in the EIR. The high cube warehouses will have ample roof space for photovoltaic panels or any other type of solar power generation, not only to meet the electrical needs of the facility itself but also to provide additional renewable power to California to help mitigate the transportation GHG impacts of the project. The Plan erroneously states that the project is not part of California's power generation grid and thus cannot contribute to the 33 percent Renewable Portfolio Standard. This is false because the project will utilize power from the California grid and could instead become a power generator contributing to the state's efforts to increase renewables and mitigating the project impacts.

36

All warehousing buildings on the site should be built to meet the standards of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.TM They should include energy efficient lighting, heating, and cooling measures as well as stormwater management, vegetative cover, and the use of locally sourced materials where possible.³⁴ Simply stating that the project will comply with California energy codes and other existing requirements does not constitute a mitigation measure. WLC can go far beyond what is required by law, significantly cutting GHG emissions by meeting LEED platinum standards for all the structures that are built.

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f. The Project Proponent Should Provide Funding to Provide Clinics and Other Sensitive Site Mitigation to Reduce the Impacts from Warehouse Pollution.

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³⁴ For information on LEED standards, see the U.S. Green Building Council: <http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>.

To avoid injury to public health, the project must mitigate its impacts through the reduction of emissions to as near zero as possible, and this comment letter offers numerous measures that should be used in pursuing that goal. Given that increases in pollution are likely even after these measures are implemented and given the lasting effects of pollution from the WLC, further mitigation is needed to address the extraordinary impact of this project on the respiratory health of communities near the proposed project and along the goods movement corridors that go to the proposed project. A mitigation fund controlled by the neighboring community should also be made available to help address some of the unmitigated impacts of this project, supporting the implementation of such measures as vegetation and other barriers, filtration devices and window upgrades for nearby buildings, and on-site air quality monitoring. The fund should be of ample size so as to cover indoor air filtration expenses for all nearby residents who request such filtration, buffer vegetation and landscaping, and a community air monitor if so desired, as well as sufficient funds to administer these programs.

38

Many residents of goods movement communities and workers at the ports have already suffered irreparable long term damage to their lungs – as noted earlier, diminished lung function in children generates lifelong health effects. The project proponent should fund the establishment of one or several medical facilities close to the project and along the route to the project dedicated to the respiratory and general health of the people most affected by these emissions.

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Many of the goods movement adjacent neighborhoods in this region are heavily populated with low and moderate income families unable to afford health insurance. Similarly, while some workers in the warehousing industry earn relatively high wages with good benefits, thousands of others earn low wages with few or no benefits.

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Thus, funding for clinics should be sufficient not only to construct appropriate facilities, but also include adequate support for operations so that two classes of patients – residents of the identified goods movement adjacent communities and warehouse workers can access the facility without out of pocket cost regardless of insurance status.

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Finally, the project proponent needs to explore installation of air filtration system to protect residents from harmful levels of air pollution. The Port of Los Angeles agreed through the TraPac MOU to fund filtration systems in school in the vicinity of that project, and this Project should also include this type of mitigation. In addition, the Port of Long Beach through the Middle Harbor Redevelopment Project agreed to fund air filtration systems for schools and other sensitive sites. This mitigation must be part of the WLC project.

42

IV. The Analysis of Agricultural Impacts is Deeply Flawed.

The proposed project will have a large impact on loss of agricultural lands. In particular, the EIR provides absolutely no mitigation for the impacts of loss of agricultural land. In examining the potential of a fee to help offset the loss of agricultural land, the EIR summarily dismisses this potential because the fee was rejected during larger general plan discussions. Thus, the EIR does not engage in a project specific analysis of the feasibility of this type of measure. In particular, given the economic promises being made by the Project proponents in Appendix O, it is unclear why such a fee is infeasible.

43

V. The DEIR/S Does Not Adequately Discuss Alternatives to the Proposed Project.

The analysis of alternatives to the proposed project lies at “[t]he core of an EIR.”³⁵ In this analysis, the EIR must consider a reasonable range of alternatives that would avoid or substantially lessen this impact while feasibly attaining most of the Project’s basic objectives.³⁶ If the EIR refuses to consider a reasonable range of alternatives or fails to support its analysis with substantial evidence, the purposes of CEQA are subverted and the EIR is legally inadequate.³⁷ If a feasible alternative exists that will meet the project’s objectives while reducing or avoiding its significant environmental impacts, the project may not be approved.³⁸

44

The analysis of the alternatives throughout the document fails in this respect. In particular, the EIR has failed to examine an alternative with better access to rail and closer to the Ports.³⁹ As the SCAQMD has articulated, “[r]ail lines are expected to lower the truck trip rate by diverting the transportation of goods from trucks to trains that directly service the facility.”⁴⁰ The EIR summarily notes that there are no alternative sites in surrounding areas.⁴¹ By determining that the only feasible alternative site would include “a contiguous 2,635-acre site for 41 million square feet,”⁴² the EIR fails to examine existing warehouse space and future land zoned industrial. For example, a recent SCAG report entitled *Industrial Space in Southern California* attached as Exhibit D demonstrates that there are other

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³⁵ *Citizens of Goleta Valley II*, 52 Cal. 3d at 564; *see also* Pub. Res. Code § 21002.1(a) (“The purpose of an environmental impact report is . . . to identify alternatives to the project . . .”).

³⁶ *See* § 21100(b)(4); CEQA Guidelines § 15126.6(a).

³⁷ *San Joaquin Raptor*, 27 Cal. App. 4th at 735-38; *Kings County Farm Bureau*, 221 Cal. App. 3d at 736-37.

³⁸ Pub. Res. Code § 21002.

³⁹ Brohard Letter, at 15.

⁴⁰ Exhibit C, at 15.

⁴¹ EIR, at 6-38.

⁴² EIR, at 6-38.

potential sites that could have been explored. For example, the report identifies 143 million ft² of available warehouse space.⁴³ In addition, it also identifies 186 million ft² of warehouse development potential in the region.⁴⁴ Surely, the cursory, unlawful analysis in the EIR would have benefited from a reasonable analysis of locations with better rail service and closer to regional centers to reduce truck trip length. The failure to consider a reasonable range of alternatives renders the EIR invalid.

46

VI. A Revised Draft EIR Must Be Prepared and Recirculated.

Because of the inadequacies discussed above, the draft EIR cannot form the basis of a final EIR. CEQA requires preparation and recirculation of a supplemental draft “[w]hen significant new information is added to an environmental impact report” after public review and comment on the earlier draft EIR.⁴⁵ The opportunity for meaningful public review of significant new information is essential “to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom.”⁴⁶ An agency cannot simply release a draft report “that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review.”⁴⁷

47

In order to cure the panoply of EIR defects identified in this letter, the City must obtain substantial new information to adequately assess the proposed Project’s environmental impacts, and to identify effective mitigation and alternatives capable of alleviating the Project’s significant impacts. This new information will clearly necessitate recirculation. CEQA requires that the public have a meaningful opportunity to review and comment upon this significant new information in the form of a recirculated draft supplemental EIR.

⁴³ Exhibit D, at 2-5.

⁴⁴ Exhibit D, at 2-11.

⁴⁵ Pub. Resources Code § 21092.1.

⁴⁶ *Sutter Sensible Planning, Inc. v. Sutter County Board of Supervisors*, 122 Cal. App. 3d 813, 822 (1981); *City of San Jose v. Great Oaks Water Co.*, 192 Cal. App. 3d 1005, 1017 (1987).

⁴⁷ *Mountain Lion Coalition v. California Fish and Game Comm’n*, 214 Cal.App.3d 1043, 1052 (1989).

WLC EIR Comments

April 8, 2013

Page 18

We appreciate your consideration of our comments. While these comments solely focus on air quality, traffic and loss of agricultural space, we remain concerned about many other impacts articulated in comments from other organizations. Please feel free to contact us if you have any questions.

48

Sincerely,



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RESPONSES TO LETTER F-9A

Sierra Club, Center for Community Action and Environmental Justice, and Natural Resources Defense Council

Response to Comment F-9A-1. The commenter believes the Draft Environmental Impact Report (DEIR) does not contain sufficient information. The City disagrees and the DEIR does present accurate and adequate in the analysis in the original DEIR, plus the additional and revised analyses of these issues in the Final Environmental Impact Report (FEIR), and thus provides sufficient information upon which to make an informed decision.

Response to Comment F-9A-2. The commenter believes the EIR does not recommend all feasible mitigation for air quality and health risk impacts. The commenter is encouraged to review the project air quality study, which was extensively revised mainly in responding to the many comments on the DEIR (FEIR Volume 2, Appendix D). Section 1.6 of this FEIR (Volume 1) outlines the many changes that were made to the air study to provide more detailed information on health risks both on and off the World Logistics Center (WLC) property. The air study also contains revised mitigation measures to help further address these impacts.

Response to Comment F-9A-3. The commenter's statement is incorrect. Please see Responses to Comments F-9A-3, F-9A-17, 18, 19 and 20 and in Responses to Comments F-9B-13, 14, 15, 16, and 17. Please see the responses to those comments for a detailed discussion of why Comment F-9A-3 is incorrect.

Response to Comment F-9A-4. The commenter believes the EIR is inadequate, however, the EIR does present accurate and adequate analysis of the proposed project, plus the additional and revised analyses of these issues in the FEIR and revised technical studies as a result of responses to comments on the DEIR. Refer to Response to Comment F-7A-11 for a discussion on recirculation of the DEIR.

Response to Comment F-9A-5. The commenter discusses the potential health impacts related to exposures to diesel PM, including references to the University of Southern California (USC) Children's Health Study.

The health impacts from exposures to diesel particulate matter (PM) are discussed in the Master Response-2: Health Effects of Diesel Particulate Matter and in both the DEIR and the revised analysis and in Response to Comment E-3-7 on childhood risk

Response to Comment F-9A-6. The commenter indicates that regional air quality is poor in the Basin, freight transport contributes to the failure of the Basin to meet clean air standards, without mitigation, the Basin could fail to achieve the federal annual PM_{2.5} standard by 2014, the 8-hour ozone standard by 2024, and other air quality standards.

As discussed in Master Response - 1, Changes to Air Quality, Greenhouse Gas, and Health Risk Assessment, and Response to Comments G-40-2 and G-49-3, air pollution levels in the South Coast Air Basin, and in particular the Inland Empire, have decreased in the past decade. One of the reasons for this decrease is principally the regulation of motor vehicle emissions. As shown in Master Response-3, heavy duty diesel NOx and PM emission standards have decreased over the past decade. Mitigation Measure (MM) 4.3.6.3B requires model year 2010 and later diesel trucks, which as shown in the figure below, would substantially reduce emissions of NOx and PM. The project is implementing feasible mitigation to reduce impacts including the use of Tier 4 off-road construction equipment, the cleanest diesel equipment required under current regulations. Please see the FEIR Mitigation Monitoring Reporting Program for a list of the project's mitigation measures.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-9A-7. The comment makes reference to "various issues" that must be resolved before the project can be approved. The revised Traffic Impact Analysis (TIA) (FEIR Volume 2, Appendix L-1) does not show any new or increased impacts, therefore recirculation is not needed. See Response to Comment F-7A-11.

Response to Comment F-9A-8. The commenter wants their comments and those of Mr. Brohard's addressed. All of the comments submitted by the commenter, plus those of Mr. Brohard, have been addressed in this FEIR document.

Response to Comment F-9A-9. The commenter claims the TIA's baseline was improper in that it failed to adjust upward for 2011 traffic counts, failed to adjust for seasonal fluctuations, and that the EIR does not indicate if adjustments were made to convert trucks to passenger car equivalents.

Traffic counts were taken within a year of the Notice of Preparation and so no adjustment was necessary. Most of the counts were done in late 2011 while the Notice of Preparation came out in February 2012.

The TIA followed standard engineering practice which is to base the analysis on a "typical workday" which is defined as a Tuesday, Wednesday, or Thursday in a week when schools are open and no special weather or event affects normal traffic patterns.

An analysis was performed to determine if seasonality of traffic flows may be a significant factor that needs to be accounted for in the analysis. The monthly fluctuations in traffic flow on SR-60 in Moreno Valley were reviewed to determine if this was the case. The average daily traffic on SR-60 from 2011 was collected from Caltrans at the SR-60 Perris, Heacock, and Day interchanges and summarized by month (see in the TIA, FEIR, Volume 2, Appendix L-1). The average daily traffic for each individual month was calculated and compared to the annual average. The data showed that the monthly fluctuations in traffic were not consistent between interchanges; in months where the traffic volumes at one interchange were above the annual average while the adjacent interchange count location was below the annual average. For example, the lowest month of the year for the Perris interchange, January, was the highest month for the two nearby interchanges. In 10 out of 12 months the two count sites closest to the project (Perris Blvd. and Heacock Ave.) deviated in opposite directions from the annual average.

If this area were subject to seasonal peaking then the three interchange count locations would show similar peaking characteristics during any given month. The count data showed no such consistency; therefore, seasonal peaking of ambient traffic is not considered a significant factor for traffic analysis for the WLC (as illustrated in Table F-9A.A below).

A further analysis was performed to determine whether there may be significant seasonal peaking of truck traffic from the WLC that needs to be factored into the analysis. There are several reasons to believe that this will not occur:

- When it is fully operational the WLC is expected to have 15-to-25 different tenants from a variety of economic sectors; for example the National Association of Industrial and Office Properties (NAIOP) survey found tenants in the consumer goods, pharmaceuticals, automotive products, tools, office supply, home furnishings, and building materials sectors (study available online at: <http://www.naiop.org/~media/Research/Research/Research%20Reports/Logistics%20Trends%20and%20Specific%20Industries/LogisticsTrendsandIndustries.ashx>). To the extent that these sectors have season peaks they occur at different times of the year and would tend to offset each other (i.e. a high period for one tenant may be a low period for the tenant next door). This is one reason why traffic on SR-60 itself does not display seasonal peaking.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- Furthermore, the commenter's belief that seasonal variation in truck traffic may pose significant impacts was premised on the commenter's erroneous over-estimate of the amount of truck traffic that will be generated by the WLC. To the extent that truck volumes will be smaller, the impact of any variations in truck traffic will also be smaller.

For these reasons, there is no basis for a presumption that seasonal peaking of truck traffic will create any significant impacts that have not already been identified using the trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Chapter 2, Section A the TIA includes a sub-section entitled Passenger Car Equivalents (PCEs) that explains in detail how PCEs were used in this study.

Table F-9A.A: Average Day Traffic at Three Interchanges Near the WLC

PeMS Detector	Location	Month												Annual Average
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
810316	Perris Interchange	24,384	25,778	26,924	27,960	29,080	29,893	30,759	31,544	31,587	31,522	31,468	31,477	
801407	Heacock Interchange	41,458	41,506	41,499	41,470	41,378	41,396	41,483	41,465	41,459	41,377	41,314	41,265	
801394	Day Interchange	57309	57222	57222	57180	57061	57628	58590	59254	59736	59130	58898	58894	
		Westbound												
801410	Perris Interchange	28,055	28,451	28,937	29,432	30,019	30,612	31,059	31,647	31,631	31,548	31,487	31,432	
801404	Heacock Interchange	39,994	39,791	39,653	39,532	39,301	39,216	39,207	39,138	39,038	38,914	38,800	38,590	
808945	Day Interchange	46370	45897	45400	44938	44296	43814	43524	43359	43236	43284	43141	43073	
		Both Directions												
801410	Perris Interchange	52,439	54,229	55,861	57,392	59,099	60,505	61,818	63,191	63,218	63,070	62,955	62,909	59,724
	<i>Diff from Ave</i>	-7,285	-5,495	-3,863	-2,332	-625	781	2,094	3,467	3,494	3,346	3,231	3,185	
	<i>% Diff from Ave</i>	-12%	-9%	-6%	-4%	-1%	1%	4%	6%	6%	6%	5%	5%	
801404	Heacock Interchange	81,452	81,297	81,152	81,002	80,679	80,612	80,690	80,603	80,497	80,291	80,114	79,855	80,687
	<i>Diff from Ave</i>	765	610	465	315	-8	-75	3	-84	-190	-396	-573	-832	
	<i>% Diff from Ave</i>	0.9%	0.8%	0.6%	0.4%	0.0%	-0.1%	0.0%	-0.1%	-0.2%	-0.5%	-0.7%	-1.0%	
801394	Day Interchange	103,679	103,119	102,622	102,118	101,357	101,442	102,114	102,619	102,972	102,414	102,039	101,967	102,371
	<i>Diff from Ave</i>	1,308	748	251	-253	-1,014	-929	-257	242	601	43	-332	-404	
	<i>% Diff from Ave</i>	1.3%	0.7%	0.2%	-0.2%	-1.0%	-0.9%	-0.3%	0.2%	0.6%	0.0%	-0.3%	-0.4%	

The lowest month of the year for the Perris IC was the highest month for the two nearest interchanges.

In 10 out of 12 months the two count sites deviated in opposite directions from the annual average; i.e. one was higher than the annual average and the other lower.

Response to Comment F-9A-10. The commenter appears to refer to the 52 impacts listed in Comment F-9B-20. Forty-seven, or 90%, of the 52 instances cited by the commenter occur in future-year scenarios where the addition of traffic from other development projects contributes to the level of congestion on the facility. Project impacts under these conditions were properly identified as “cumulative.”

Of the remaining five, two (Intersections 123 and 132) were identified as direct project impacts in Table 77 of the TIA (renumbered as Table 73 in the revised TIA) entitled “Direct Impacts on Intersections and Mitigations Measures.” The remaining three instances, freeway mainline section F-6 and weaving sections 25 east bound (EB) and 25 west bound (WB), were identified as a direct impacts in Table 78 of the TIA (renumbered as Table 74 in the revised TIA) entitled “Direct Impacts on Freeways and Mitigations.”

Response to Comment F-9A-11. The commenter cites the attachment to their letter to advance a claim that trip generation rate used is too low and results in underreporting the air quality impact and health risk impacts. Please see the Responses to Comments F-9A-13 and F-9A-17.

Response to Comment F-9A-12. The commenter claims no mitigation measures were identified for 2017 or 2022, and refers to the attachment for details of other problems, such as the issue of timeliness of mitigation measures.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The claim that mitigation measures were not identified for 2017 and 2022 is not correct. The TIA (DEIR Appendix L) included:

- Table 39 describing the mitigation measures for the 2017 Plus project scenario for project road segments. The revised TIA (FEIR Volume 2, Appendix L-1) addresses Phase 1 in Year 2022, so all year 2017 analyses have been removed from the revised TIA.
- Table 41 describing the mitigation measures for the 2017 Plus project scenario for project intersections. The revised TIA (FEIR Volume 2, Appendix L-1) addresses Phase 1 in Year 2022, so all year 2017 analyses have been removed from the revised TIA.
- Table 43 describing the mitigation measures for the 2017 Plus project scenario for project freeway mainline segments. The revised TIA (FEIR Volume 2, Appendix L-1) addresses Phase 1 in Year 2022, so all year 2017 analyses have been removed from the revised TIA.
- Table 45 describing the mitigation measures for the 2017 Plus project scenario for project freeway weaving sections. The revised TIA (FEIR Volume 2, Appendix L-1) addresses Phase 1 in Year 2022, so all year 2017 analyses have been removed from the revised TIA.
- Table 47 describing the mitigation measures for the 2017 Plus project scenario for project freeway ramps. The revised TIA (FEIR Volume 2, Appendix L-1) addresses Phase 1 in Year 2022, so all year 2017 analyses have been removed from the revised TIA.
- Table 53 describing the mitigation measures for the 2022 Plus project scenario for project road segments. This table is now number 49 in the revised TIA (FEIR Volume 2, Appendix L-1).
- Table 55 describing the mitigation measures for the 2022 Plus project scenario for project intersections. This table is now number 51 in the revised TIA (FEIR Volume 2, Appendix L-1).
- Table 57 describing the mitigation measures for the 2022 Plus project scenario for project freeway mainline segments. This table is now number 53 in the revised TIA (FEIR Volume 2, Appendix L-1).
- Table 59 describing the mitigation measures for the 2022 Plus project scenario for project freeway weaving sections. This table is now number 55 in the revised TIA (FEIR Volume 2, Appendix L-1).
- Table 61 describing the mitigation measures for the 2022 Plus project scenario for project freeway ramps. This table is now number 57 in the revised TIA (FEIR Volume 2, Appendix L-1).

The fact that the attachment to the commenter's letter cites some of these tables shows that the information was made available for public review.

The commenter's references to issues raised in the attachment to the comment letter are responded to for those specific comments. Please see the Response to Comment F-9B-2 for the issue of timeliness of mitigation measures.

Response to Comment F-9A-13. The commenter claims three assumptions in the EIR would lead to an underestimate of emissions, namely: 1) underestimating trip generation numbers, 2) underestimating the percentage of trucks associated with the project, and 3) underestimating the trip lengths for auto and trucks. The commenter claims the air quality analysis used a trip generation rate from the NAIOP study rather than from ITE. The commenter also cites a passage from South Coast Air Quality Management District (SCAQMD) guidance, claiming that it shows that the trip generation rate used in the analysis is too low.

The commenter cites the SCAQMD guidance interpreting the guidance as recommending that a rate of 2.59 vehicular trips per thousand square feet per day (VT/KSF/day) should be used. The commenter quotes the guidance at length, including this passage,

“In the case that air quality is evaluated for multiple warehouses (>10), such as for a general plan, the average rate of 1.44 trips per thousand square feet from the ITE 8th Edition Trip Generation manual is acceptable. This lower value may be more appropriate as on average, a small portion of warehouses can be expected to operate at varying levels of service, including some warehouses experiencing temporary partial or complete vacancy.”

As stated in Section 2.1 of the Specific Plan, it is anticipated that the WLC will have 15-to-30 logistics warehouses. The TIA complies with this SCAQMD guidance for multiple warehouses projects. In fact, the TIA more than complies with the guidance since the trip generation rate used in the TIA, 1.68 vehicle trips per KSF per day, is higher than the 1.44 rate in the SCAQMD guidance (the WLC used the 9th edition of the Trip Generation Manual, which has a higher rate than the 8th edition). In addition, the SCAQMD is currently in the process of revising its recommended trip generation rate for warehouse buildings (www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/high-cube-warehouse).

The portion of the air quality analysis covering mobile sources used data from the traffic analysis and so it incorporates the ITE trip generation rates used in the TIA, not the NAIOP rate.

The 50 mile figure for average truck distance is a default value suggested by the SCAQMD for use when modeling data is not available for large warehouses. An additional section (Chapter 12, Section F) has been included in the TIA (FEIR Volume 2, Appendix L-1) that describes in detail how trips to the Los Angeles ports (ports) were estimated. The analysis found that only a small percentage of WLC truck traffic would be to and from the ports. Tests with the Riverside County Traffic Analysis Model (RivTAM) model suggest that the actual average truck trip length for the WLC would be 30 to 40 miles, so the 50-mile figure, which was used in the DEIR, is a conservative estimate since it over-states rather than under-states project impacts. The air quality analysis has been updated in the FEIR (Volume 2, Appendix D) to use the trip distribution pattern from the RivTAM model since it more realistic and better reflects the anticipated change in travel patterns over time.

Response to Comment F-9A-14. See Response to Comment F-9A-13 above.

Response to Comment F-9A-15. See Response to Comment F-9A-13 above.

Response to Comment F-9A-16. See Response to Comment F-9A-13 above.

Response to Comment F-9A-17. The commenter claims that the percentage of truck traffic used in the analysis was too low and resulting in under-estimation of air quality impacts.

The Fontana study, which is mandated by the City of Moreno Valley *Traffic Impact Analysis Preparation Guide* as the source for vehicle mix percentages (City of Moreno Valley, “Traffic Impact Analysis Preparation Guide”, page 10), found 12.3% of trips entering or leaving high-cube warehouses to be heavy trucks, while some other sources have a higher percentage of heavy trucks (the NAIOP study, for example, had 20.8% heavy trucks; City of Moreno Valley 2013 survey data²⁹ yields 13.4% trucks calculated on a weighted average. The commenter uses a figure of 30.21 percent trucks for the NAIOP study, but that figure includes light and medium trucks. The comment seems to indicate the interpretation that this meant that the WLC was forecasting fewer trucks than the best field data indicated was appropriate. In fact, because the WLC analysis assumes a very high overall

²⁹ Vehicle Mix Assumption for High-Cube Warehouse, Memo from Michael Lloyd to Eric Lewis, September 27, 2013.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

trip generation rate, the 0.207 number of truck trips per day per 1,000 square feet of floor assumed was slightly higher than the 0.206 in the NAIOP survey, slightly less than the 0.218 in the Moreno Valley survey, and more than double the Skechers 0.086 data indicates is appropriate (see below). The numbers used in this TIA analysis can therefore be considered a reasonable estimate of truck traffic and a very high estimate of car traffic compared to conditions actually found at the most comparable sites.

Table F-9A.B: Comparison of Trip Generation Rates from WLC TIA and Other Sources

Source	Total Vehicle Trips/KSF/Day	% Trucks	Heavy Duty Truck Trips/KSF/Day	Other Vehicle Trips/KSF/Day
WLC	1.68	12.3	0.207	1.473
NAIOP	0.99	20.8	0.206	0.784
Skechers	0.57	15.2	0.086	0.481
Moreno Valley 2013 ¹	1.624	13.4 ²	0.218	1.406

¹ Vehicle Mix Assumption for High-Cube Warehouse, Memo from Michael Lloyd to Eric Lewis, September 27, 2013.

² Although the un-weighted average reported in the Memo is 17.6%, when calculated based on a weighted average, the rate drops to 13.4%.

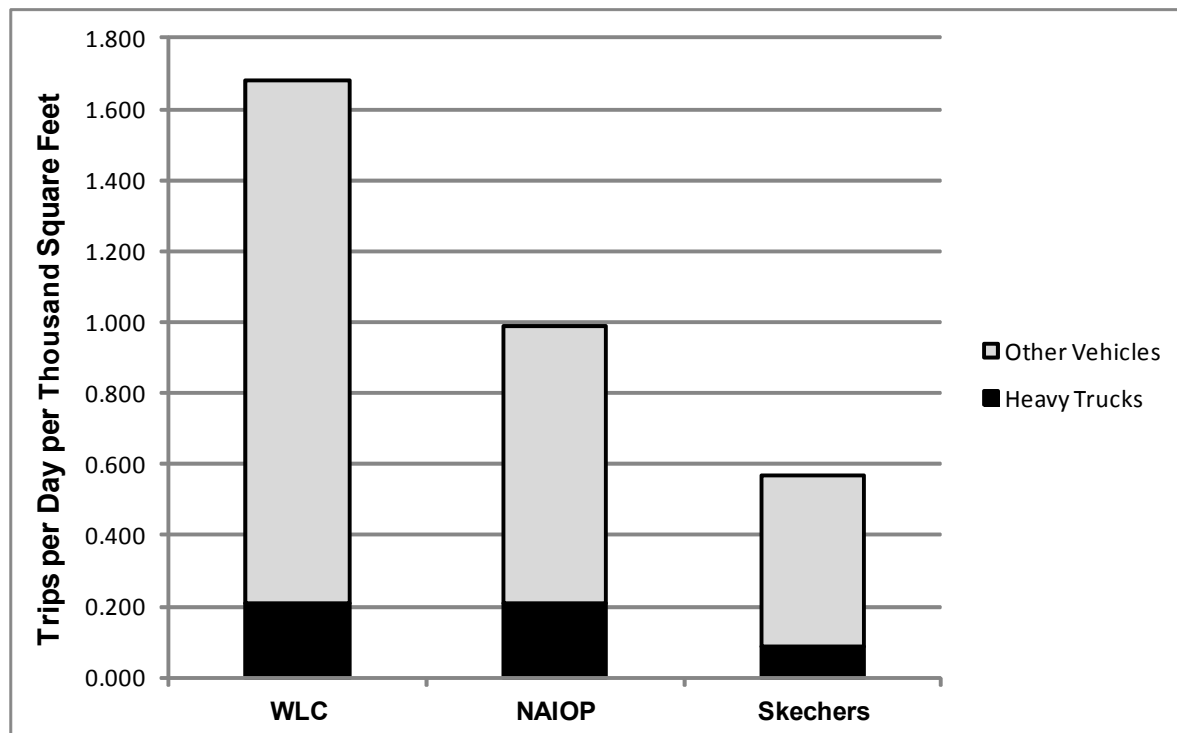


Exhibit F-9A-1: Comparison of Truck Trip Generation from southern California Sources

The commenter has suggested that this analysis should use a combination of a very high overall trip generation rate with a high heavy truck percentage to estimate the number of project truck trips. The problem with this approach is that the City has used it before in previous analyses and found that it produced results that were unreasonable when compared to actual field conditions. For example, this approach was used in EIR for the Skechers high-cube warehouse building and resulted in forecasts that were three times the actual operational trip generation for car trips and nearly eight times the

actual trip generation for trucks³⁰. This approach provides misleading information to decision makers and the public creates an undue burden on development, and could ultimately create doubt about the City's project review process in the eyes of the public and potential developers. For these reasons the formula in the City's Traffic Impact Guidelines was used instead in the analysis. Also, as discussed before, the SCAQMD approved the use of the ITE trip generation rate for this TIA study prior to the analysis being performed.

Response to Comment F-9A-18. See Response to Comment F-9A-17 above.

Response to Comment F-9A-19. See Response to Comment F-9A-17 above.

Response to Comment F-9A-20. See Response to Comment F-9A-17 above.

Response to Comment F-9A-21. The commenter notes that the truck trip lengths are underestimated, leading to an underestimation of project emissions.

The truck trip length used in the DEIR was assumed to be 50 miles, based on SCAQMD CEQA comment letters published by the SCAQMD on various warehouse type projects. The SCAQMD has in the past recommended an average truck trip length of 40 miles for warehouse-type projects that do not have identified occupants. Information developed by Parsons Brinkerhoff in its analysis of project traffic impacts concluded that a reasonable average truck trip length for trips throughout the South Coast Air Basin was 36 miles. The Parsons Brinkerhoff conclusion was derived from the actual results of the RivTAM model that was used in the TIA. That model is based on information on trip destinations internal to Riverside County, external to Riverside County and port-related intermodal trip information from the Southern California Association of Governments (SCAG) in its 2012 Regional Transportation Plan. This information was discussed on Table 20 of the Air Quality, Greenhouse Gas, Health Risk Assessment report contained as Appendix D of the DEIR. To provide a conservative estimate of the project's mobile source emissions, an average truck trip length of 50 miles was assumed in the DEIR, which was greater than either the recommended truck trip length from the SCAQMD or as estimated from the traffic impact analysis.

Note that in the revised analysis, the issue of truck and local trip lengths is moot because in the revised analysis, the estimates of the project's regional emissions were based directly on the traffic volume information developed as part of the regional transportation modeling performed in the TIA. The regional transportation modeling provided daily and peak-hour traffic volumes for nearly 500 individual roadway segments by vehicle class from which the daily and peak-hour vehicle miles travels were determined (by multiplying the vehicle volumes for each roadway segment by the length of the roadway segment). The emissions along each roadway segment were then determined by multiplying the vehicle miles traveled for each vehicle class and roadway segment by an emission factor for each vehicle class derived from the Air Resources Board (ARB) Emissions Factor model 2014 (EMFAC2014) mobile source emission model. This information is provided in Section 4.5.1 Motor Vehicle Emissions, of the revised Air Quality, Greenhouse Gas, and Health Risk Assessment.

Response to Comment F-9A-22. The commenter claims the EIR underestimates the trip length for trucks using the proposed warehouses. It quotes a figure of 50 miles as the EIR's estimate for average trip length. It also describes the low figure for forecasted truck trips to the port as "curious."

The 50 mile figure for average truck distance is a default value suggested by the SCAQMD for use when modeling data is not available. Tests with the RivTAM model suggest that the actual average

³⁰ These figures are based on traffic counts taken at the Skechers building after it had been fully operational for over a year. See Technical Memorandum *Traffic Generated by the Skechers Warehouse*, Parsons Brinkerhoff to the City of Moreno Valley, November 14, 2012.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

truck trip length for the WLC would be 30-to-40 miles, so the 50-mile figure is conservative because it over-states rather than under-states project impacts. Additionally, the 50-mile default value is no longer being used with the analysis in the FEIR based entirely on the results of the traffic modeling, not default trip lengths.

An additional section (Chapter 12, Section F) has been included in the TIA (FEIR Volume 2, Appendix L-1) that analyzes project impacts on freeways to the ports. The analysis, which is based on and supported by research done by SCAG and by the Port of Long Beach, found that only a small percentage of WLC truck traffic would be to and from the ports. See Table 86 in the revised TIA (FEIR Volume 2 Appendix L-1), repeated below.

Table 86: Percentage of WLC Trucks to or from the Port

Year	% of Warehouse Space Used for Port-Related Cargo	% of Truck Trips Going to and from the Ports
2012	5.00%	2.07%
2022	9.30%	3.86%
2035	16.30%	6.76%

Response to Comment F-9A-22. See Response to Comment F-9A-23.

Response to Comment F-9A-23 and F-9A-24. The commenter claims the mitigation measures for construction are vague. However, the commenter does not indicate why the measures are vague; however, the measures are specific and require meeting future performance standards.

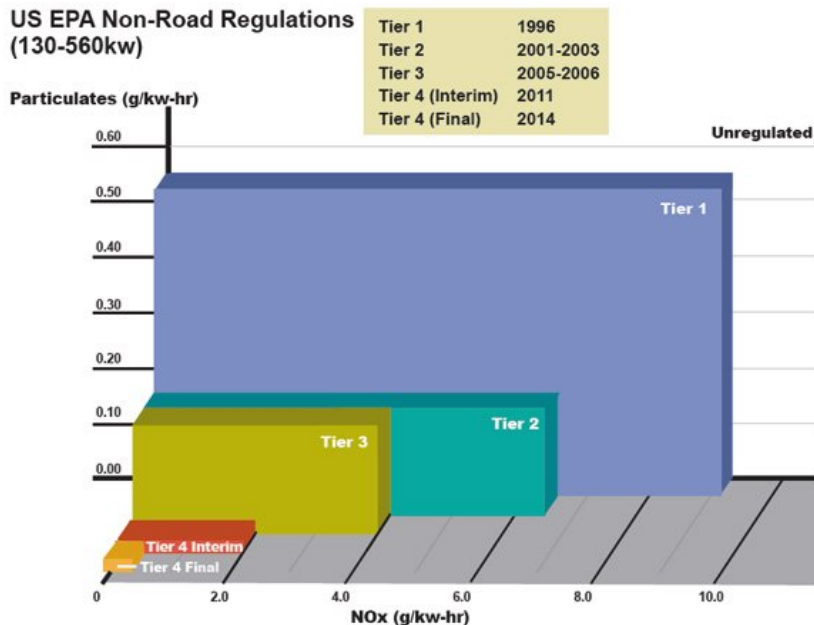
The commenter indicates that the construction mitigation measures are inadequate because they fail to address the diesel engines used by construction equipment. This is not the case. MM 4.3.6.2A has been refined and requires that off-road diesel powered construction equipment greater than 50 horsepower meet Tier 4 standards, the most stringent standard for off-road equipment.

Response to Comment F-9A-25. The commenter incorrectly states that Tier 3 standards are similar to the 1994 vintage truck standards and at least ten times more polluting than modern NOx and PM standards. This statement is not in the reference provided by the commenter. Instead, the reference indicates the following, “Tier 3 standards for NOx+HC are similar in stringency to the 2004 standards for highway engines; however Tier 3 standards for PM were never adopted.”³¹ This is shown in the figure below.³² The figure shows that although Tier 2 and Tier 3 have the same particulates (PM) standard, Tier 3 engines have lower NOx emissions than both Tier 1 and Tier 2 engines.

³¹ <http://www.dieselnet.com/standards/us/nonroad.php#tier3>

³² Diesel Technology: Tier 4 & More. From *Clean Diesel Technology for Off-Road Engines and Equipment: Tier 4 and More*. Website: <http://gb.baumpub.com/news/1415/diesel-technology-tier-4-amp-more>

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project



The commenter also suggests additional mitigation measures, as follows:

Suggested Mitigation Measure	Response
Require construction equipment to meet Tier 4 standards no later than 2015 and require use of diesel particulate filters on all construction equipment that does not meet Tier 4 standards starting in 2011.	Included. See Response to Comment F-9A-24.
All on-road trucks associated with construction shall meet U.S. EPA 2007 emission standards by January 2014.	Incorporated. This measure is incorporated into MM 4.3.6.2A.
All trucks carrying material such as debris or fill be fully covered.	Already Included as part of SCAQMD Rule 403. The project is considered a large operation under the rule; therefore, it is required to comply with Control Measure (1E or 2E), "cover all haul vehicles or comply with the vehicle freeboard requirements of Section 23114 of the California Vehicle Code for both public and private roads."
In any case where grid power is inaccessible and generators are utilized, they must meet 0.01 gram per brake-horsepower hour standard for PM or be equipped with best available control technology for PM, such as diesel particulate filters.	Partially Included. As shown in the above graphic, Tier 4 equipment have PM emissions standards at 0.015 g/kw-hr, the most stringent regulation currently adopted. MM 4.3.6.2A requires Tier 4 equipment.

Response to Comment F-9A-26. The commenter requests additional construction mitigation, as follows:

Mitigation Measure	Response
A strict no idling policy on the construction site, applied to all vehicles on- and off-road when they are not actively engaged in work on the site.	Incorporated. MM 4.3.6.2A requires that all diesel powered construction equipment, vehicles, and delivery trucks be turned off when not in use or limit onsite idling to 3 minutes or less in any one hour. This is consistent with ARB's regulation

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Mitigation Measure	Response
	for In-Use Off-Road Diesel Vehicles (www.arb.ca.gov/msprog/ordiesel/guidance/idling.pdf).
Use of electric and alternative fueled equipment where feasible.	Incorporated. MM 4.3.6.2A requires that where feasible electric tools are required.

Response to Comment F-9A-27. See Response to Comment F-7A-65.

Response to Comment F-9A-28. The commenter is not clear how project design features will be enforced or upheld. The project design features are included in the WLCSP. Since this is Programmatic EIR, any future projects would need to undergo subsequent review, including plot plan review. The City would ensure that during that review, any subsequent project met the requirements of the WLCSP and complied with the mitigation measures contained in this EIR.

Regardless, what was a project design feature in the DEIR requiring model year 2010 trucks and later to the project site is now included as part of MM 4.3.6.3B. The air quality analysis has been refined and the air pollutant emissions from construction and operation are now lower than estimated in the DEIR (see Master Response-1).

Response to Comment F-9A-29 and F-9A-30. The commenter suggests additional mitigation measures, as follows:

Mitigation Measure	Response
Require at least half of the trucks serving the facilities to be alternative fuel including, but not limited to electric and hydrogen fuel cell or hybrid vehicles.	Not Included. As discussed in Master Response - 3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, this is not feasible. In addition, the use of alternative fueled vehicles must be market driven and based on the availability of such vehicles and convenient fueling locations, while CARB already has detailed implementation schedules for various tiers of truck engines to reduce pollution over time, and the project would be consistent with those requirements.
Require at least one quarter of trucks serving the facility to be zero-tailpipe emission vehicles; or that one quarter of goods delivered to the facility be conveyed by zero-tailpipe emission technology; and that the proportion of zero-tailpipe emission conveyance increase to fifty percent by 2020.	Not Included. As discussed in Master Response - 3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, this is not feasible.

Response to Comment F-9A-31. The commenter is not clear whether MM 4.3.6.3B encouraging SmartWay trucks add to the existing California regulations requiring SmartWay type efficiency measures.

ARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation³³ would apply to the trucks accessing the project site. Background information regarding this regulation has been added to the revised analysis (FCS/MBA 2015). However, the mitigation measures are retained because they do not conflict with the regulation.

³³ California Air Resources Board. Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation. Website: www.arb.ca.gov/cc/hdghg/documents_hdghg.htm

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The commenter indicates that the project should require utilization of zero and near-zero emission trucks. Refer to Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, for why this is not feasible for the WLC project.

Response to Comment F-9A-32. The commenter indicates that MM 4.3.6.4A(k) regarding buffer zones be strengthened. Note that this mitigation measure was a duplicate of MM 4.1.6.1A (aesthetics), therefore, the air quality mitigation measure has been removed for clarity. The specific setback is still used in the air quality analysis, and the commenter incorrectly claims that the SCAQMD said that the setbacks described in the project's Specific Plan are inadequate. The SCAQMD in its comment letter states the following:

“According to the California Air Resources Board guidance, without more project-specific information, sensitive land uses such as homes should maintain a buffer zone of up to 1,000 feet from distribution centers with more than 100 trucks per day or 40 trucks per day with operating diesel transportation refrigeration units. AQMD staff recommends that an air quality Health Risk Assessment (HRA) be prepared that analyzes the cumulative impact of all approved and proposed warehouses in the vicinity before determining the appropriate buffer zone distances. Further, setback distances should be specified between areas of diesel trucking activity and sensitive land uses.”

The project has prepared a Health Risk Assessment that analyzes the cumulative impact of all the warehouses within the project. The assessment was refined for the FEIR, which incorporates more detailed construction and operational assumptions. As discussed in Master Response-2, new technology diesel exhaust does not contribute to cancer and so no buffer is required. Nonetheless, an analysis of the buffer using methodologies for traditional diesel exhaust. The analysis found no impact outside the project boundaries, so no buffer would be needed. Please also refer to Master Response-1, Changes to Air Quality, Greenhouse Gas, and Health Risk Assessment. Please refer to Master Response-4 regarding buffer zones.

Response to Comment F-9A-33. The commenter recommends the following mitigation:

Suggested Mitigation Measure	Response
Forklifts, yard tractors, and other equipment at warehouses run steadily and never leave the site, which means their emissions accumulate nearby. All equipment should use electric battery or fuel cell engines. Where this is not possible, any remaining diesel equipment must employ the best available control technology to reduce emissions of PM and NOx, such as diesel particulate filters, cleaner fuels, and more efficient engines.	Partially Incorporated. The Specific Plan (Section 12.3) and the DEIR (page 3-33) indicates that the forklifts, yard tractors, and other onsite equipment used during operation would be powered by non-diesel fuel. However, the mitigation measure does not specify the type of fuel (electric battery or fuel cell) that the equipment should use to allow for flexibility for the project tenants.

Response to Comment F-9A-34. The commenter recommends the following mitigation:

Suggested Mitigation Measure	Response
Warehouse operators have the ability to minimize truckers' use of transport refrigeration units that rely on secondary diesel engines. WLC must provide electric hookups for refrigeration at each loading dock, minimizing the use of any diesel refrigeration units and ensuring that those that do remain in use meet the cleanest emissions standards (U.S. EPA	Partially Incorporated. MM 4.3.6.3E states: <u>“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 application</u>

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
Tier 4). Further, indoor warehouse space must provide ample storage for refrigerated goods passing through the facility to ensure that no refrigerated goods are stored in trailers or externally, requiring use of TRUs.	<u>proposing refrigerated space. Any such proposal shall include electrical hookups at dock doors to provide power for vehicles equipped with Transportation Refrigeration Units (TRUs).</u> Therefore, refrigeration hookups and amenities for refrigerated warehouses are required by MM 4.3.6.3E.

Response to Comment F-9A-35. The commenter claims that the mitigation for greenhouse gas emissions is inadequate and focuses on waste and recycling. Although only one waste-related mitigation is required to reduce greenhouse gas emissions to less than significant, many other mitigation measures and project design features would reduce greenhouse gas emissions, as shown in the DEIR (Table 4.7.H in the DEIR and pages 4.7-31 – 4.7-34) and in the revised analysis (FCS/MBA 2015, FEIR Volume 2 Appendix D).

Response to Comment F-9A-36. The commenter recommends rooftop solar. This has been incorporated into MM 4.16.4.6.1C.

Response to Comment F-9A-37. The commenter recommends that the project be built to meet LEED standards. This has been incorporated into MM 4.16.4.6.1C.

Response to Comment F-9A-38. See Responses to Comments F-9A-40 and F-9A-41 below.

Response to Comment F-9A-39. The commenter is asking as a mitigation measure the project proponent should fund the establishment of one or several medical facilities close to the project and along the route of the project dedicated to respiratory and general health of the people most affected by air emissions from the project. The proposed mitigation by the commenter is not feasible. In order for a mitigation to be feasible, it must be reasonably capable of being accomplished in a successful manner. Because there are multiple sources of air pollution, it is impossible to determine what population should be served through such a program. Additionally, even if a target population could be identified it is not possible to determine whether that population would make use of such services or whether such services would be effective in reducing the impact of the proposed project.

Nonetheless, in an effort to reduce impacts of the proposed project, all feasible mitigation has been incorporated. As an example, the WLC has committed to using the cleanest available technology to reduce impacts. In a first for a project of this scale, the WLC will require that all trucks serving the proposed project meet United States Environmental Protection Agency (USEPA) 2010 emissions standards. These standards are the most stringent emissions standards ever promulgated by USEPA, reducing emissions of nitrogen oxides and particulate matter by over 90% from the previous generation of diesel trucks. Additionally, the proposed project has committed to using the cleanest construction equipment and project design elements such as preventing truck trips on Cactus and Alessandro and green building design will further reduce project impacts.

Response to Comment F-9A-40 and 41. The commenter includes a discussion suggesting that WLC should provide medical clinics for low and moderate income families working at their project, with no out-of-pocket expense to those families regardless of their insurance status. As is the case with all legitimate businesses operating within the City of Moreno Valley, WLC employers will be required to fully comply with all existing state and federal regulations as they relate to employer responsibilities to provide for the health and welfare of employees. A more detailed response to this question is included under the Response to Comment F-11-21. Also, please reference the Master Response-3 in Letter C-3. The City Council will consider the comment prior to deciding whether to approve the project.

The commenter has also recommended the establishment of various types of mitigation funding to provide off-site improvements related to air quality, such as air filters or landscaping. However, such mitigation does not mitigate specific, project-related impacts. While the concepts proposed for funding are recognized to provide benefits such as improving indoor air quality, the benefits are not tied to reducing impacts from the proposed project. There is no nexus between the generalized benefits of a proposed existing community benefits fund and specific project impacts. As a result, such a fund cannot be reasonably expected to avoid or minimize air quality impacts of the project as is required for mitigation. Please also refer to Master Response-5.

Response to Comment F-9A-42. The commenter encouraged the project proponent to explore installation of air filtration system to protect residents from harmful levels of air pollution. The Port of Los Angeles agreed through the TraPac MOU to fund filtration systems in schools in the vicinity of that project, and this project should also include this type of mitigation. In addition, the Port of Long Beach through the Middle Harbor Redevelopment project agreed to fund air filtration systems for schools and other sensitive sites. This mitigation must be part of the WLC project.

Though new technology diesel exhaust does not contribute to cancer as described in Master Response-2, a Health Risk Assessment (HRA) was prepared for the project (see FEIR Volume 2 Section 4.3.6.5). A standard 9-year exposure analysis was conducted for the school sites, including modifications recommended by the Moreno Valley School District (see also Response to Comment E-3-9). No significant impacts were found (the incremental cancer risk was less than 10 in a million), therefore, no additional mitigation is necessary at those locations.

The HRA also assessed impacts to the sensitive receptors within and around the project site. The recently adopted “Current OEHHA Guidance” methodology which includes a 30-year exposure duration, age sensitivity factors, and a higher breathing rate was used to estimate risk, assuming that new technology diesel exhaust causes cancer, contrary to the HEI study results. The results indicate that after mitigation there would be a significant cancer risk (risk greater than 10 in a million) at three (3) residences within the WLC project area under the Current OEHHA Guidance. However, as discussed in Master Response-2, new technology diesel exhaust does not contribute to cancer and traditional diesel engines are prohibited from the project. Air filtration systems are discussed in Master Response-5.

Response to Comment F-9A-43. The commenter states the EIR needs to include mitigation for loss of agricultural land. A new MM 4.2.6.1A has been added to the FEIR Volume 2 requiring the acquisition of a conservation easement be recorded over land of comparable productive value to preserve offsite farmland or equal or more agricultural productivity compared to the unique farmland. The commenter is encouraged to review the revised and new agricultural assessments (FEIR Volume 2 Appendices C-2 and C-4, respectively). It should be noted that the revised agricultural assessments determined the loss of farmland of local importance was in fact not significant under CEQA based on the results of the revised (California) Land Evaluation and Site Assessments (LESA) model (see FEIR Volume Sections 1.5 and 1.6 and Response to Comment F-7A-39 for more information).

Response to Comment F-9A-44. The commenter states the EIR did not examine a reasonable range of alternatives. The EIR does evaluate a reasonable range of alternatives, based on the potential significant environmental impacts of the project identified in the DEIR and the project objectives. The EIR examined several mixed use alternatives, a lesser intensity alternative, and the existing General Plan designations for the site. The commenter has failed to state why the alternatives selected for analysis in the DEIR are not reasonable.

Response to Comment F-9A-45. The commenter states the EIR fails to address project alternatives such as rail and other potential project locations that would be closer to the ports. The commenter cites a Southern California Association of Governments (SCAG) report entitled *Industrial Space in*

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Southern California to support its claim that there are other sites that could have been developed instead.

An additional section (Chapter 4, Section F) has been included in the TIA (FEIR Volume 2, Appendix L-1) that analyzes the potential for serving project trips by rail. The analysis showed that rail service to this site was not viable due to a variety of factors, including high fixed costs, secondary impacts on the community, terrain, and capacity constraints in the rail system. See Responses to Comments G-53-4 and G-70-5.

The report cited by the commenter, *Industrial Space in Southern California*, reached the opposite conclusion from that presented by the commenter. Its Executive Summary at page ES-1 states that:

- *“According to assumed growth rates, the region will run out of suitably zoned vacant land in about the year 2028. At that time, forecasts show that the demand for warehousing space will be approximately 1,023 million square feet.*
- *During the year 2035, there will be a projected shortfall of space of about 228 million square feet, unless other land not currently zoned for warehousing becomes available.”*

In other words there is an easily foreseeable shortage of sites suitable for warehouse development even if one assumes, as the SCAG study does, that all vacant land currently zoned for industrial use were to be developed into warehouse space. The study demonstrates the need to zone additional land for warehouse space, which is what the WLC proposes to do. In addition, an alternative closer to the port would be in a jurisdiction other than the City of Moreno Valley, so the City would not derive any benefits from the project as outlined in the project objectives.

Response to Comment F-9A-46. The commenter states the alternative sites analysis in the alternatives section is inadequate. Section 6.3.9 of the DEIR that provides a detailed analysis of 16 potential alternative sites in 11 different jurisdictions up to 22 miles from the WLC project site. The DEIR concluded that there were no adequate sites available for various reasons, including size, freeway accessibility, etc. CEQA requires an evaluation of alternative sites that could house the proposed project which in this case is the 2,610-acre WLCSP property proposed for development. In addition, locating the WLCSP outside the City would mean the City could not obtain the substantial project benefits such as increased jobs. There is no requirement to look at separate or smaller sites to accommodate a smaller project; so many sites were rejected because they could not support the WLC project as proposed, consistent with the CEQA Guidelines.

Response to Comment F-9A-47. The commenter believes the EIR must be recirculated. The City evaluated the many comments received on the Draft EIR, including those of this commenter. The revised technical studies and DEIR provide additional information, mainly in the form of responding to the many questions and comments received on the DEIR. In that regard, several of the project technical studies were revised both to address comments on the DEIR and changes to the WLC project (e.g., loss of 100 acres and 1 million square feet of building area) and this resulted in a number of existing mitigation measures being modified. However, this additional information and the revised studies do not rise to the level of significant new information, nor does this information identify any new or substantially different significant environmental impacts from those identified in the DEIR. Therefore, the DEIR will not be recirculated.

Response to Comment F-9A-48. The commenter expresses concern over the impacts of the project. All of the comments provided by the commenter, plus many similar comments provided by others, have been responded to in this FEIR document (Volume 1). All of the comments and responses will be reviewed by the City Council prior to making a decision on this project.

**Letter F-9B: Tom Brohard & Associates (March 29, 2013) and Appendices 1-3
(on Flash Drive)**

Tom Brohard and Associates

March 29, 2013

Mr. Adriano Martinez, Staff Attorney
Natural Resources Defense Council
1314 Second St.
Santa Monica, CA 90401

SUBJECT: World Logistics Center Project Draft Environmental Impact Report – Traffic and Transportation – Findings and Comments

Dear Mr. Martinez:

At the request of the Sierra Club, I have reviewed the traffic and transportation portions of the February 4, 2013 World Logistics Center Project Draft Environmental Impact Report (Draft EIR) prepared by LSA for the City of Moreno Valley. In preparing these findings and comments, the following sections and appendices related to traffic and transportation in the Draft EIR for the World Logistics Center Project have been reviewed:

- Chapter 1.0 – Executive Summary
- Chapter 2.0 – Introduction and Purpose
- Chapter 3.0 – Project Description
- Chapter 4.15 – Traffic and Circulation
- Draft EIR Appendix L – January 2013 Traffic Impact Analysis Report (TIA Report) prepared by Parsons Brinckerhoff
- TIA Report Appendices A through T prepared by Parsons Brinckerhoff (TIA Appendices)

In my review of these documents, I have concluded that the Draft EIR and the TIA Report for the proposed World Logistics Center Project are seriously flawed as an adequate assessment of Project traffic impacts on freeways, roadways and intersections has not been provided. Further study of the findings and comments identified in this letter is required as part of a Recirculated Draft EIR for the World Logistics Center Project.

As explained in detail throughout this letter, the Draft EIR and the TIA Report fail to establish a proper baseline for analysis. Direct Project traffic impacts are repeatedly confused with cumulative Project traffic impacts, leading to defective mitigation measures. Mitigation measures are not developed for Project conditions forecast in either Year 2017 or in Year 2022, and funding is not shown to be available to construct mitigation measures in a timely manner as the significant Project traffic impacts occur in Years 2012, 2017, 2022, and 2035. The documents also omit important information and contain numerous errors, making it difficult at best for the public to review and understand.

Mr. Adriano Martinez

World Logistics Center Draft EIR – Traffic and Transportation Comments

March 29, 2013

Education and Experience

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 40 years of professional engineering experience. I am licensed as a Professional Civil Engineer both in California and Hawaii, and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and now serve as the City Traffic Engineer for the City of Indio and as Consulting Transportation Engineer for the Cities of Big Bear Lake, San Fernando, and Tustin. I have extensive experience in traffic engineering and transportation planning. During my career in both the public and private sectors, I have reviewed many environmental documents and traffic studies, with only a few of these shown on the enclosed resume.

3

Traffic and Transportation Issues/Concerns – Findings and Comments

Based on the information provided in the February 4, 2013 Draft EIR and the January 2013 TIA Report for the World Logistics Center Project, my review disclosed numerous issues and concerns relating to traffic and transportation. Each of the following findings and comments must be addressed through further study and necessary modifications to the Draft EIR, together with recirculation for public review and comment:

4

- 1) Traffic Counts Were Not Adjusted to Create a Proper Baseline – Traffic counts at study intersections were made over 20 months between March 2011 and October 2012. All counts were assumed to have been made in 2012 but Appendix A to the TIA Report shows that traffic counts at 78 of the intersections were actually conducted in Year 2011. No adjustments were made to account for annual ambient traffic growth to bring the Year 2011 counts forward to Year 2012 whereas a two percent per year increase was assumed to grow the Year 2012 counts to Year 2017. Furthermore, 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.

5

According to Page 46 of the TIA Report, 24-hour traffic counts were collected on the study road segments. Copies of these traffic counts were not provided in Appendix A. Similar deficiencies in establishing a proper baseline for the 24-hour counts including annual ambient growth and seasonal adjustments may also exist. In addition, no evidence is presented to indicate how or if adjustments were made to convert trucks to passenger car equivalents.

Additionally, traffic volume counts on the freeway mainline and weaving segments may have been taken from annual Caltrans Traffic Volume publications but the TIA Report does not identify the source of this data. The most recent data available from Caltrans reflects freeway traffic volumes

Mr. Adriano Martinez

World Logistics Center Draft EIR – Traffic and Transportation Comments

March 29, 2013

counted in Year 2011 or earlier. Similar deficiencies in establishing a proper baseline for these counts including annual ambient growth may also exist.

Traffic counts made during Year 2011 or before should be brought forward at two percent per year to reflect proper baseline traffic volumes in Year 2012. By failing to do this, the Draft EIR is internally inconsistent as the TIA Report did expand traffic volumes by two percent per year to establish baseline conditions in Year 2017. Furthermore, traffic volume fluctuations during different seasons should have been adjusted to a common seasonal baseline to properly reflect the higher volumes recorded during the peak month. If the counts are not adjusted, then the TIA Report and the Draft EIR must present evidence through validation and comparison of traffic counts that annual and seasonal adjustments are not required.

5

- 2) Traffic Volumes for Approved Projects Are Not Supported by Evidence - Figure 3 on Page 6 of the TIA Report followed by Table 1 beginning on Page 7 provide a map and a list of approved development projects that have been assumed to be complete by Year 2017. The TIA Report fails to include the trip generation and trip distribution for each of these projects as well as a summary of peak hour trips from these projects that are forecast to travel through study intersections as well as on roadway and freeway segments. In addition, no evidence is presented to indicate how or if adjustments were made to adjust truck volumes to passenger car equivalents generated by these projects. Without this data and information, the baseline traffic volumes used in the Year 2017 analyses cannot be supported.

6

In addition, the Year 2017 traffic volume baseline does not appear to include trips to and from various nearby development projects on the enclosed listing provided by Riverside County. General Plan Amendments are associated with each of these projects and some of these projects have already been entitled. As a result, each of these projects must be considered to be reasonably foreseeable and trips to and from each of them must be added to the Year 2017 baseline for a proper traffic analysis of the World Logistics Center.

- 3) Year 2035 Baseline Traffic Volumes Are Lower than Earlier Years – Several freeway segment volumes in the Year 2035 scenario are less than the same freeway segment volumes in the scenarios of earlier years. The Draft EIR and TIA Report indicate that the Project will reverse the significant existing jobs to housing imbalance with 25,000 new jobs for City of Moreno Valley residents. It is unreasonable to conclude that the 25,000 new jobs will solely be taken by City residents and that the current directional peak hour congestion will be eliminated, especially with World Logistics Center Project trucks replacing a number of the commuter worker trips in the current peak direction.

7

Mr. Adriano Martinez

World Logistics Center Draft EIR – Traffic and Transportation Comments

March 29, 2013

In the traffic analysis, associated segment volumes in the current peak directions are forecast to drop. In turn, the Level of Service (LOS) for freeway segments in the current peak direction is then forecast to improve from LOS "F" to LOS "D" with the negative Project trips are added (subtracted). The conclusion that building 41,600,000 square feet of high cube warehouses will lower traffic volumes on the freeway system and then improve peak hour operating conditions is not reasonable or logical.

7

- 4) World Logistics Center Project Traffic Volumes Not Adequately Disclosed – Table 24 on Page 78 of the TIA Report as well as Table 4.15M on Page 4.15-32 of the Draft EIR provide peak hour and daily trip forecast volumes for truck and auto traffic forecast for the World Logistics Center Project. It appears that the "Phase 2" subheading in both of these tables represent the total number of trips that will be generated at completion of the entire World Logistics Center Project, not merely by completion of Phase 2 of the Project. This requires clarification.

8

Page 80 of the TIA Report provides graphic representations of the forecast changes in freeway "car" traffic volumes in the AM peak hour in Figure 26 and in the PM peak hour in Figure 27 by comparing 2012 without project volumes to with project traffic volumes. Volumes in the current primary travel direction (westbound in the AM peak hour and eastbound in the PM peak hour) show reductions of over 500 car trips and corresponding increases of over 500 car trips in the current secondary travel pattern. As indicated above, the reductions and additions are based upon the faulty assumption that the 25,000 new jobs will be taken by City of Moreno Valley residents.

9

Figures 26 and 27 are also misleading if they include only "car" trips. The World Logistics Center will generate a significant number of truck trips in the current secondary travel directions. When these are converted to passenger car equivalents to properly disclose the overall changes, the reductions will likely be lower and the additions will likely be higher than shown in Figures 26 and 27.

10

The Draft EIR and the TIA Report do not clearly identify the numbers of auto and truck trips associated with World Logistics Center on freeway segments, roadway segments, and at intersections. Instead, the documents provide figures of baseline and baseline plus project trips. The two different figures require comparison with each other to identify project traffic.

11

Traffic study guidelines such as the "Guide for the Preparation of Traffic Impact Studies" published by the California Department of Transportation in December 2002 require that figures be provided to clearly disclose project generated trips. By omitting these figures with actual numbers, the TIA Report and Draft EIR do not properly disclose the negative trip generation that is

12

Mr. Adriano Martinez
World Logistics Center Draft EIR – Traffic and Transportation Comments
March 29, 2013

forecast to occur. By omitting these figures for project generated trips only, it is not clear if the analyses properly included passenger car equivalents for the trucks or just traffic volumes for the World Logistics Center Project without the necessary passenger car equivalent adjustments.

12

- 5) World Logistics Center Project Daily Truck Trips Are Underestimated – Table 4.15.M on Page 4.15-32 of the Draft EIR and Table 24 on Page 78 of the TIA Report provide forecasts for the number of autos, light trucks, medium trucks, and heavy trucks that are forecast to be generated by the World Logistics Center Project. Footnotes to these tables indicate the numbers of auto and truck trips shown are based on the Truck Trip Generation Study (Fontana Study) prepared in August 2003 for the City of Fontana. Using the Fontana Study, the text immediately below each table indicates that 80 percent of the vehicles forecast for the World Logistics Center are autos and the remaining 20 percent of the vehicles are trucks.

13

Appendix S to the TIA Report provides the December 20, 2011 NAIOP Truck Trip Generation Study of 31 high-cube warehouses larger than 500,000 square feet in size in the Inland Empire area prepared by Kunzman Associates (NAIOP Study) and Appendix T to the TIA Report provides the February 1, 2012 Peer Review conducted by Urban Crossroads of the NAIOP Study. Data contained in Appendix D to the NAIOP Study indicates that 69.79 percent of the high-cube warehouse trips were made by cars and 30.21 percent of the high-cube warehouse trips were made by trucks, not 80 percent cars and 20 percent trucks from the 2003 Fontana Study. Other entities suggest using an even greater truck trip percentage for this type of warehouse development (i.e., SCAQMD's recommendation to use a 40 percent truck assumption for a conservative analysis). Based on this, the Draft EIR and TIA Report must revise the percentage of trucks up from 20 percent to at least 30 percent.

14

Regarding the 2003 Fontana Study, Page 7 of the Peer Review in Appendix T to the TIA Report states "Based on the study's small overall sample size and the fact that only one warehouse over 500,000 square feet was included in the analysis, the 2003 Fontana Study is not an appropriate source for vehicle/truck trip generation rates for modern high-cube warehouse uses larger than 500,000 square feet. In addition, the 2003 Fontana Study surveyed buildings that were likely constructed prior to the shift to larger, highly automated buildings that many global retailers and logistics companies are utilizing in the modern economy."

15

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

16

Mr. Adriano Martinez

World Logistics Center Draft EIR – Traffic and Transportation Comments

March 29, 2013

Report have significantly underestimated the number of truck trips that the World Logistics Center will generate.

16

For example, application of the data shown in the NAIOP Study to the 71,085 daily trips forecast for the completion of the entire World Logistics Center Project (currently identified as Phase 2 in the tables) changes the number of passenger car equivalents that must be used to properly identify, disclose, analyze, and mitigate the additional number of significant environmental impacts that will be created by the World Logistics Center Project. Using data from the outdated 2003 Fontana Study, the Draft EIR and TIA Report indicate 93,414 daily passenger car equivalent trips will be generated. Using the current data contained in Appendix D to the NAIOP Study including 70 percent autos, three percent 2-axle trucks, four percent 3-axle trucks, and 23 percent 4+-axle trucks indicates 107,695 daily passenger car equivalent trips will be generated. Therefore, the Draft EIR has underestimated 14,281 daily passenger car equivalent trips in its analyses of environmental impacts.

17

- 6) Direct and Cumulative Impacts Are Incorrectly Identified – Page 4.15-85 of the Draft EIR properly defines direct and cumulative traffic impacts 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.”

18

➤ 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.”

19

The Draft EIR and the TIA Report incorrectly identify many cumulative traffic impacts when they are in fact direct traffic impacts from the definitions above. Further, other direct impacts are not disclosed in the text even though the direct impacts are clearly shown in the various tables when the LOS degrades from an acceptable to an unacceptable level with the addition of only Project traffic. Additional direct traffic impacts which have not been identified in the Draft EIR include the following:

20

Existing (2012) plus Project – Intersections – (PM Peak Table 4.15.AD-2)

- #123 – Gilman Springs/Bridge Street – Degrades from LOS C with 20.8 seconds of delay to LOS D with 26.1 seconds of delay with Project traffic added.
- #132 – San Timoteo/Alessandro - Degrades from LOS C with 23.9 seconds of delay to LOS F with 103.4 seconds of delay with Project traffic.

Mr. Adriano Martinez

World Logistics Center Draft EIR – Traffic and Transportation Comments

March 29, 2013

Existing (2012) plus Project – Mainline – (AM Peak Hour Table 4.15.AF)

- F-6 – EB SR-60 – Euclid/Grove – Degrades from LOS D with density of 34.7 to LOS E with density of 38.5 with Project traffic added.

Existing (2012) plus Project – Weaving – (PM Peak Hour Table 4.15.AG)

- W-25 – EB SR-60 – Central/Fair Isle – Degrades from LOS D with density of 32.4 to LOS E with density of 35.5 with Project traffic added.
- W-25 – WB SR-60 – Central/Fair Isle – Degrades from LOS D with density of 29.3 to LOS E with density of 35.3 with Project traffic added.

Year 2017 plus Project – Intersections – (AM Peak Table 4.15.AI-1)

- #74 – Elsworth/Cactus – Degrades from LOS D with 54.4 seconds of delay to LOS E with 56.1 seconds of delay with Project traffic added.

Year 2017 plus Project – Mainline – (AM Peak Hour Table 4.15.AK-1)

- F-7 – EB SR-60 – Grove/Vineyard – Degrades from LOS D with density of 34.9 to LOS E with density of 37.2 with Project traffic added.
- F-8 – EB SR-60 – Vineyard/Archibald – Degrades from LOS D with density of 34.1 to LOS E with density of 36.1 with Project traffic added.
- F-19 – EB SR-60 – Market/Main – Degrades from LOS D with density of 31.8 to LOS E with density of 35.3 with Project traffic added.
- F-49 – EB SR-91 – Central/14th – Degrades from LOS D with density of 34.6 to LOS E with density of 35.1 with Project traffic added.

Year 2017 plus Project – Mainline – (PM Peak Hour Table 4.15.AK-2)

- F-17 – WB SR-60 – Valley/Rubidoux – Degrades from LOS D with density of 34.1 to LOS E with density of 36.5 with Project traffic added.
- F-24 – WB SR-60 – MLK/Central – Degrades from LOS D with density of 33.9 to LOS E with density of 40.3 with Project traffic added.
- F-29 – WB SR-60 – Pigeon Pass/Heacock – Degrades from LOS D with density of 32.7 to LOS E with density of 39.3 with Project traffic added.

Year 2017 plus Project – Weaving – (PM Peak Hour Table 4.15.AL-2)

- W-28 – WB SR-60 – Day/Pigeon Pass – Degrades from LOS D with density of 32.5 to LOS E with density of 35.6 with Project traffic added.

Year 2017 plus Project – Ramps – (PM Peak Hour Table 4.15.AM)

- R-19 – WB SR-60 – MLK Off/MLK Off – Degrades from LOS C with density of 23.0 to LOS E with density of 36.0 with Project traffic added.

Year 2022 plus Project – Intersections – (AM Peak Table 4.15.AN)

- #27 – Redlands/Cactus – Degrades from LOS B with 13.4 seconds of delay to LOS F with >50 seconds of delay with Project traffic added.
- #38 – Perris/JFK – Degrades from LOS D with 50.8 seconds of delay to LOS E with 58.3 seconds of delay with Project traffic added.

– 20

Mr. Adriano Martinez

World Logistics Center Draft EIR – Traffic and Transportation Comments

March 29, 2013

- #39 – Iris/Perris – Degrades from LOS D with 54.0 seconds of delay to LOS E with 57.8 seconds of delay with Project traffic added.
- #46 – Kitching/Krameria – Degrades from LOS C with 29.2 seconds of delay to LOS E with 61.4 seconds of delay with Project traffic added.
- #123 – Gilman Springs/Bridge – Degrades from LOS C with 22.3 seconds of delay to LOS E with 38.3 seconds of delay with Project traffic added.
- #135 – Crescent/Alessandro – Degrades from LOS D with 27.7 seconds of delay to LOS E with 47.8 seconds of delay with Project traffic added.

Year 2022 plus Project – Intersections – (PM Peak Table 4.15.AN)

- #12 – Theodore/Ironwood – Degrades from LOS C with 17.8 seconds of delay to LOS F with 50.5 seconds of delay with Project traffic added.
- #27 – Redlands/Cactus – Degrades from LOS A with 9.5 seconds of delay to LOS F with >50 seconds of delay with Project traffic added.
- #28 – Moreno Beach/JFK – Degrades from LOS B with 18.9 seconds of delay to LOS E with 57.8 seconds of delay with Project traffic added.
- #36 – Moreno Beach/Ironwood – Degrades from LOS D with 51.0 seconds of delay to LOS E with 56.7 seconds of delay with Project traffic added.
- #38 – Perris/JFK – Degrades from LOS D with 53.5 seconds of delay to LOS E with 56.7 seconds of delay with Project traffic added.
- #40 – Kitching/Iris – Degrades from LOS C with 23.9 seconds of delay to LOS E with 71.5 seconds of delay with Project traffic added.
- #46 – Kitching/Krameria – Degrades from LOS D with 40.0 seconds of delay to LOS E with 55.7 seconds of delay with Project traffic added.
- #58 – Heacock/Alessandro – Degrades from LOS D with 48.9 seconds of delay to LOS E with 65.3 seconds of delay with Project traffic added.
- #70 – Day/Alessandro – Degrades from LOS D with 43.0 seconds of delay to LOS F with 98.5 seconds of delay with Project traffic added.

Year 2022 plus Project – Mainline – (AM Peak Hour Table 4.15.AP-1)

- F-4 – EB SR-60 – Central/Mountain – Degrades from LOS D with density of 33.0 to LOS E with density of 35.5 with Project traffic added.
- F-5 – EB SR-60 – Mountain/Euclid – Degrades from LOS D with density of 32.5 to LOS E with density of 35.1 with Project traffic added.
- F-9 – EB SR-60 – Archibald/Haven – Degrades from LOS D with density of 32.8 to LOS E with density of 36.0 with Project traffic added.
- F-29 – EB SR-60 – Pigeon Pass/Heacock – Degrades from LOS D with density of 29.2 to LOS E with density of 39.6 with Project traffic added.
- F-30 – EB SR-60 – Heacock/Perris – Degrades from LOS C with density of 25.0 to LOS E with density of 39.2 with Project traffic added.
- F-49 – EB SR-91 – Central/14th – Degrades from LOS D with density of 34.9 to LOS E with density of 35.5 with Project traffic added.

20

Mr. Adriano Martinez

**World Logistics Center Draft EIR – Traffic and Transportation Comments
March 29, 2013**

Year 2022 plus Project – Mainline – (PM Peak Hour Table 4.15.AP-2)

- F-18 – WB SR-60 – Rubidoux/Market – Degrades from LOS D with density of 32.5 to LOS E with density of 37.1 with Project traffic added.
- F-29 – WB SR-60 – Pigeon Pass/Heacock – Degrades from LOS D with density of 34.0 to LOS F with density of 46.9 with Project traffic added.
- F-30 – WB SR-60 – Heacock/Perris – Degrades from LOS D with density of 27.5 to LOS E with density of 39.1 with Project traffic added.

Year 2022 plus Project – Weaving – (AM Peak Hour Table 4.15.AQ)

- W-23 – EB SR-60 – University/MLK – Degrades from LOS D with density of 30.5 to LOS E with density of 35.3 with Project traffic added.
- W-25 – EB SR-60 – Central/Fair Isle – Degrades from LOS C with density of 27.4 to LOS E with density of 35.3 with Project traffic added.

Year 2022 plus Project – Ramps – (AM Peak Hour Table 4.15.AR)

- R-2 – EB SR-60 – On from Central – Degrades from LOS D with density of 28.8 to LOS F with density of 33.2 with Project traffic added.

Year 2035 plus Project – Intersections – (AM Peak Table 4.15.AS-1)

- #11 – Theodore/Ironwood – Degrades from LOS C with 22.9 seconds of delay to LOS E with 44.3 seconds of delay with Project traffic added.
- #86 – Central/Chicago – Degrades from LOS D with 49.5 seconds of delay to LOS E with 61.3 seconds of delay with Project traffic added.
- #98 – Alessandro/Canyon Crest – Degrades from LOS D with 54.4 seconds of delay to LOS E with 55.9 seconds of delay with Project traffic added.
- #131 – Reche Canyon/Reche Vista – Degrades from LOS C with 35.0 seconds of delay to LOS D with 40.4 seconds of delay with Project traffic.

Year 2035 plus Project – Intersections – (PM Peak Table 4.15.AS-2)

- #53 – Lasselle/Cactus – Degrades from LOS C with 34.8 seconds of delay to LOS D with 38.2 seconds of delay with Project traffic added.

Year 2035 plus Project – Mainline – (PM Peak Hour Table 4.15.AU-2)

- F-2 – WB SR-60 – Reservoir/Ramona – Degrades from LOS D with density of 34.6 to LOS E with density of 35.8 with Project traffic added.
- F-34 – WB SR-60 – Redlands/Theodore – Degrades from LOS D with density of 29.7 to LOS E with density of 35.0 with Project traffic added.

Year 2035 plus Project – Weaving – (AM Peak Hour Table 4.15.AV-1)

- W-20 – EB SR-60 – Main/SR91 – Degrades from LOS D with density of 34.2 to LOS E with density of 35.9 with Project traffic added.

– 20

Mr. Adriano Martinez

**World Logistics Center Draft EIR – Traffic and Transportation Comments
March 29, 2013**

Year 2035 plus Project – Weaving – (PM Peak Hour Table 4.15.AV-2)

- W-28 – WB SR-60 – Day/Pigeon Pass – Degrades from LOS D with density of 32.3 to LOS E with density of 36.1 with Project traffic added.

Year 2035 plus Project – Ramps – (AM Peak Hour Table 4.15.AW)

- R-8 – EB SR-60 – On from Theodore – Degrades to LOS F with density of 43.6 with Project traffic added. While this new ramp is to be constructed by the Project, LOS F conditions result when Project traffic is added. The Project must therefore build a ramp with more initial capacity rather than one that immediately fails to carry traffic generated by the Project.

As identified above, there are over 50 additional direct project traffic impacts beyond those identified in the Draft EIR where the World Logistics Center Project traffic causes an intersection or segment to fall below the acceptable LOS. In each of the various sections in the different analysis scenarios, the text in the Draft EIR conflicts with the entries in the various tables throughout the discussion of traffic impacts. Instead, these locations are either incorrectly shown as cumulative impacts or they are omitted altogether from the listings.

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.

- 7) Other LOS Calculation Errors Must Be Corrected – Several locations are shown with better operations when Project traffic is added to baseline volumes but no physical improvements are installed. As one example, Page 4.15-116 identifies Redlands/Alessandro as being directly impacted although this intersection is shown to improve dramatically with the addition of Project traffic and without any improvements specified. It is not possible for intersection operations to improve unless additional traffic lanes are added or other improvements are made. The following are additional examples of calculations of improved LOS and reduced delay when project traffic is added that are clearly erroneous and must be corrected:

Existing (2012) plus Project – Intersections – (AM Peak Table 4.15.AD-1)

- #11 – Redlands/Ironwood – Improves from LOS D with 40.9 seconds of delay to LOS C with 34.4 seconds of delay with Project traffic added.
- #112 – Placentia/Perris - Improves from LOS C with 30.1 seconds of delay to LOS C with 29.6 seconds of delay with Project traffic added.

Existing (2012) plus Project – Intersections – (PM Peak Table 4.15.AD-2)

- #11 – Redlands/Ironwood – Improves from LOS D with 37.3 seconds of delay to LOS C with 34.8 seconds of delay with Project traffic added.
- #107 – Evans/Rider - Improves from LOS C with 28.3 seconds of delay to LOS C with 27.6 seconds of delay with Project traffic added.

Mr. Adriano Martinez

World Logistics Center Draft EIR – Traffic and Transportation Comments
March 29, 2013

Year 2017 plus Project – Intersections – (AM Peak Table 4.15.AI-1)

- #23 – Redlands/Alessandro – Improves from LOS E with 39.2 seconds of delay to LOS C with 17.1 seconds of delay with Project traffic added.

Year 2017 plus Project – Intersections – (PM Peak Table 4.15.AI-2)

- #23 – Redlands/Alessandro – Improves from LOS C with 20.1 seconds of delay to LOS C with 16.2 seconds of delay with Project traffic added.

Numerous duplications in the listings in the Draft EIR must also be eliminated (i.e., see Page 4.15-106 which repeats the last two intersections of San Timoteo-Live Oak and Redlands-San Timoteo at the end of the list of intersections identified as being cumulatively impacted).

- 8) No Mitigation Measures Proposed for Year 2017 or Year 2022 Analyses – The Draft EIR and TIA Report provide mitigation measures based on the analyses of Existing as well as Year 2035 Buildout with Project traffic added. While many significant direct and cumulative impacts are identified in the TIA Report in the analysis of Year 2017 conditions with fifty percent of Project traffic added as well as in the analysis of Year 2022 conditions with all Project traffic added, no mitigation measures are proposed for the Year 2017 and for the Year 2022 significant impacts.

The Draft EIR must also identify the mitigation measures that are shown in the TIA Report and that are concurrently required in Year 2017 and in Year 2022. This is the major flaw in the Draft EIR since significant impacts must be mitigated in a timely manner and mitigation of these significant traffic impacts when they are forecast to occur has been omitted.

- 9) “Significant and Unavoidable” Impacts Require Further Evaluation – In regard to Alternative Transportation Policies, Plans, and Programs, Page 1-31 of the Draft EIR states “The Proposed Project will create a complete roadway circulation network, install a loop trail system, have Class II bikeways and sidewalks on all internal streets, and streets can accommodate bus turnouts when needed by the local transit agency.” As mitigation, Page 1-31 of the Draft EIR states “Carpooling is required under Air Quality Mitigation Measure 4.3.6.4A. No additional mitigation is required.”

Mitigation Measure 4.3.6.4A on Page 1-12 of the Draft EIR states “Future development in the WLCSP will implement a number of activities to help reduce long-term air pollutant emissions, including participation in the County’s Rideshare Program, on-site bicycle lanes, sidewalks and pedestrian paths, etc.” The traffic analysis then proceeds to identify numerous significant traffic impacts and classifies many of them including all those on the freeway system as “significant and unavoidable.”

Mr. Adriano Martinez

World Logistics Center Draft EIR – Traffic and Transportation Comments

March 29, 2013

While the Draft EIR identifies a number of “significant and unavoidable” traffic impacts, it does not evaluate or propose all feasible Transportation Demand Management (TDM) measures that would address these impacts. TDM measures reduce traffic impacts by lowering the number of vehicle trips by encouraging, requiring, and/or subsidizing alternative transportation. Impacts are also reduced by measures that avoid travel during congested peak hours.

27

From their website, the Riverside County Transportation Commission’s Core Rideshare Program offers ride matching for carpools and vanpools, free incentives for employees to try ridesharing, and a guaranteed ride home program for employers with more than 250 employees. In addition to participation in the County’s Rideshare Program, the all reasonable TDM measures must be considered including:

28

Shuttles to Connect to Existing Transit Service – At this time, transit service is not provided in the World Logistics Center Project area. Until this occurs, shuttle service connecting with existing transit would encourage use of alternative transportation by many employees.

29

Construction of Bus Turnouts - Construction of bus turnouts throughout the Project, initially to be used by shuttles, must be required as street improvements are constructed rather than being deferred until needed by the local transit agency.

30

Flex Time, Staggered Work Hours, and Compressed Work Hours - A number of the Project’s peak hour trips would likely be generated by employee commuting. Use of flex time, staggered work hours, and/or compressed work hours to avoid peak commute hours is an effective method to reduce travel at these congested periods.

31

Differential Parking Treatments - Preferential parking for those employees that commute together is a simple measure that can encourage alternative transportation.

32

On-Site Child Care - Provision of child care facilities on-site can encourage use of alternative transportation because employees will not need the flexibility of passenger vehicles to arrange drop-offs and pick-ups and because they will be able to respond to emergencies without leaving the site.

33

Other TDM Measures – The following TDM measures would further reduce the number of employee commute trips to and from the Project:

- Designated Contact – Administers all aspects of TDM Program; provides employee orientation packets identifying transportation options; periodic special promotions as well as trip planning with routes and maps.

34

Mr. Adriano Martinez

World Logistics Center Draft EIR – Traffic and Transportation Comments

March 29, 2013

➤ Secured Bicycle Parking; Motorcycle Parking; Showers/Clothes Lockers

34

To achieve and maintain employee trip reduction goals, the 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. The Draft EIR must include the preparation and monitoring of TDM plans as an enforceable condition of approval for each project in the World Logistics Center.

35

10) Proposed Mitigation Measures Are Defective – Several of the Mitigation Measures that are identified in the Draft EIR and in the TIA Report are defective as follows:

a) Trans 1 requires that each development within the World Logistics Center must conduct a traffic study. The depth and scope of these required traffic studies must be defined in the Draft EIR in addition to including this requirement as an enforceable condition of approval for each and every project within the World Logistics Center.

36

b) Trans 5 requires a study with Caltrans and the other cities to determine how the many required improvements will be funded and implemented. Such an effort has not begun and it will take many years to complete. By then, a number of developments in the World Logistics Center will likely have paid their DIF and TUMF fees. Payment of the additional fee determined by the multi-jurisdictional study must be included as an enforceable condition of approval for each and every project within the World Logistics Center. Additionally, since the measure only identifies Caltrans and the cities, it appears the County has been omitted from this study effort and they must be added.

37

c) Trans 6 suggests aligning the TUMF Program so that improvements needed to mitigate traffic impacts created by the World Logistics Center are funded earlier. Many improvements are needed throughout the County and there is no guarantee that the realignment of project priorities to benefit the World Logistics Center will occur in a timely manner.

38

d) In the mitigation of impacts, the use of TUMF or DIF fees are proposed to implement the necessary improvements, even though the World Logistics Center Project creates a direct impact. The World Logistics Center Project must be required to mitigate all of the direct traffic impacts that it creates.

39

e) The Draft EIR and the TIA Report do not identify which, if any, of the improvements required by the Mitigation Measures are covered by fees now being collected under the TUMF and DIF Programs. The Draft EIR

40

Mr. Adriano Martinez

World Logistics Center Draft EIR – Traffic and Transportation Comments

March 29, 2013

must provide supporting evidence as to which TUMF and DIF improvements are currently programmed, and which are not.

40

f) In several cases, particularly in the 2035 analysis, potential mitigation measures are quickly dismissed because of cost (such as adding a mixed flow lane to a freeway segment). It is my understanding that high cost cannot be used to conclude that the particular mitigation is not feasible. For other freeway sections such as SR-91 south of SR-60, Caltrans is currently widening the mainline whereas the Draft EIR indicates adding lanes to this portion of the freeway is not feasible because of the need for retaining walls which are currently being built.

41

g) There are a number of errors that were cut and pasted from the TIA Report directly into the Draft EIR. Many of these appear in the 2035 analysis for the freeway segments (see Page 379 of the TIA Report and following) where the words in the second line “period this intersection” appear again and again. This gets worse (see Page 386 of the TIA Report and following) where the freeway segments involve I-10 but the references are to SR91. These errors must be eliminated to properly define the mitigation measures and the responsibility for their implementation.

42

11) Proposed Mitigation Measures Are Not Shown To Be Timely – Payments of either traffic impact fees or fair shares toward improvements do not ensure that the improvements will be constructed in a timely manner. CEQA requires that mitigation measures be effective, enforceable, and timely. Merely requiring the applicant to make fair share payments does not ensure the significant improvements will be constructed in a timely manner. Therefore, the mitigation measures included in the Draft EIR are not feasible as they cannot be constructed without adequate funding. As discussed further below, the Draft EIR must be modified to require that significant additional mitigation measures be funded and constructed by the World Logistics Center Project.

43

To provide timely implementation of improvements required for cumulative impact mitigation, execution of a reimbursement agreement with the City must be considered. Under this agreement, the Project constructs all improvements necessary to mitigate cumulative impacts, and is subsequently reimbursed by the City for costs in excess of the Project’s fair share as other development occurs. To avoid gridlock LOS F conditions in the Project area, the City of Moreno Valley should utilize this tool to accelerate the required improvements so they are available in a timely manner, and should make this mitigation arrangement an enforceable condition prior to approving this Project.

12) Traffic Queuing Has Not Been Studied, Evaluated, or Mitigated - Traffic study guidelines such as the “Guide for the Preparation of Traffic Impact Studies” published by the California Department of Transportation in December 2002

44

Mr. Adriano Martinez

World Logistics Center Draft EIR – Traffic and Transportation Comments
March 29, 2013

require that facility geometry including the storage lengths be evaluated for baseline and for baseline with Project traffic added. The TIA Report did not evaluate queuing or determine if adequate storage capacity exists before turning lanes overflow or if through traffic backs up through adjacent closely spaced intersections. Facility geometry together with queuing must be analyzed, evaluated, disclosed, and mitigated.

44

- 13) Draft EIR Fails to Analyze Rail Service for the World Logistics Center – The traffic analysis discloses that the World Logistics Center Project will create numerous significant environmental impacts, many of which are the direct result of the high volumes of truck traffic required to serve the site. The Draft EIR must review transportation access to the site using rail service as a mitigation measure rather than just rely on trucks to provide access.

45

- 14) Mitigation Monitoring Program Is Required – The Draft EIR does not indicate that a Mitigation Monitoring and Reporting Program will be prepared as a part of the Final Draft EIR. The Mitigation Monitoring and Reporting Program should have been made a part of the Draft EIR so it would be available for public review and comment at this time, along with the rest of the documents.

46

In sum, the Draft EIR must address the significant issues and concerns outlined in this letter. The evidence in the Draft EIR makes clear that the significant traffic impacts created by the World Logistics Center Project cannot or will not be addressed in a timely manner, especially in light of the fact that critical mitigation measures are not funded. After correction of the faulty methodology in the Draft EIR, the World Logistics Center Project will also be found to create additional significant traffic impacts in Years 2012, 2017, 2022, and 2035 that must be properly evaluated and mitigated in a Recirculated Draft EIR.

47

Respectfully submitted,

Tom Brohard and Associates



Tom Brohard, PE
Principal

Enclosures



RESPONSES TO LETTER F-9B

Sierra Club, Center for Community Action and Environmental Justice, and Natural Resources Defense Council

Response to Comment F-9B-1. The commenter states that he, Tom Brohard and Associates, was hired by the Natural Resources Defense Council to review the World Logistics Center (WLC) Draft Environmental Impact Report (DEIR) Traffic and Transportation sections and the Traffic Impact Analysis (TIA) Report prepared by Parsons Brinkerhoff. He, Mr. Brohard, finds the DEIR and TIA seriously flawed and requests the finding and comments in his letter be addressed in a Recirculated DEIR. His comments have been addressed in this response to comment letter by the City and because there are no new significant impacts not previously discussed in the DEIR a Recirculated DEIR is not required. The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment F-9B-2. The commenter states the DEIR and TIA confuse direct and cumulative impacts, do not show mitigation measures for 2017 or 2022, or demonstrate that funding is available to construct mitigation measures in a timely manner.

The commenter confuses direct and indirect impacts. The comment is addressed below in Responses to Comments F-9B-18 through F-9B-21. The claim that mitigation measures were not identified for 2017 and 2022 is incorrect. Please see Response to Comment F-9A-12, which lists where mitigation measures for 2017 and 2022 are presented in the TIA.

Funding for the identified improvements is expected to come from a variety of sources:

- The Development Impact Fee (DIF) program, which is designed to provide funds for improvements needed to mitigate the impacts of development in the City of Moreno Valley. See Mitigation Measure (MM)-Trans-3 in the TIA.
- DIF-like fee programs in other jurisdictions designed to provide funds for improvements needed to mitigate the impacts of developments with their respective jurisdictions.
- The Transportation Uniform Mitigation Fee (TUMF) program, which is designed to provide funds for improvements needed to mitigate development throughout western Riverside County. See MM-Trans-4 in the TIA.
- State and Federal sources as described in Southern California Association of Governments' (SCAG's) 2012 Regional Transportation Plan (RTP).
- Fair-share contributions from the WLC, identified in the TIA, for improvements under the jurisdiction of the City of Moreno Valley. See MM-Trans-2 in the TIA.
- Fair-share contributions from the WLC identified in the TIA, for improvements outside the jurisdiction of the City of Moreno Valley under programs to be established with neighboring jurisdictions to provide for the collection of fees from developments with impacts outside the approving jurisdiction and not already covered in the TUMF program. See MM-Trans-5 in the TIA.

The WLC's fair-share contributions to DIF, TUMF, and improvements covered by new inter-agency agreements would be conditions of approval of each of the project's individual building permits and thus, the funds would be available in a timely manner as the need for improvements emerges over time of the project's buildout (see TIA MM-Trans 1, 2, 3, 4, and 5). 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 identified in the TIA (see MM-Trans-6 in Chapter 11, Section G DEIR Appendix L). The City does not control the state and federal funds identified in the RTP.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The TIA correctly points out the City is unable to ensure the implementation or timeliness of improvements to facilities not under its control (TIA Chapter 11, Sections E and F, DEIR Appendix L). Moreover, under state law the project cannot be held responsible for existing deficiencies or for more than its fair share of the cost of improvements needed to accommodate growth. Through the mitigation measures identified in the TIA the City has exercised its authority to the maximum extent towards ensuring that the mitigation measures are implemented in a timely manner. The TIA also recognizes that improvements not under the control of the City may not be built in a timely fashion so that the impacts have been characterized as significant and unavoidable. Refer to TIA in Chapter 11, Sections E and F. DEIR Appendix L.

Response to Comment F-9B-3. The City acknowledges the commenters education and experience on traffic and transportation. This information along with the commenter's resume will be provided to the City's decision makers for consideration before acting on the proposed project and the EIR.

Response to Comment F-9B-4. The commenter again states he has reviewed the DEIR and TIA (Parsons Brinkerhoff, January 2013) and has comments that must be addressed and further studied. He also implies the comments would require revision and recirculation of the DEIR and recirculation should occur. The commenter's comments along with other comments letters addressing traffic (refer to Response to Comments B-2-9, C-3-17, E-2A-5, E-2A-12, E-2B-21, E-2B-22, E-3-5, E-5-2, E-5-3, F-1-43, F-9A-9, F-9A-13, F-9C-2, F-11-22, F-13-9, F-13-12, F-13-92, F-13-94, F-13-97, F-13-98, and G-57-5) have been responded to by the City and the TIA has been revised, where appropriate, and is included as Appendix L to the FEIR Volume 2. Responses to specific comments are provided below in Responses to Comments F-9B-5 through F-9B-47 below.

Response to Comment F-9B-5. The commenter states that traffic counts taken in 2011 should have been adjusted upwards by 2% for 2012 analysis, the analysis did not account for seasonal fluctuations in traffic, and that no evidence was presented to indicate how or if adjustments were made to convert trucks into passenger car equivalents.

Traffic counts were taken within a year of the Notice of Preparation (dated February 2012). Counts taken with a year of the analysis date are generally accepted as valid, therefore no adjustment was necessary. The 2% value cited by the commenter is a default value used by the City of Moreno Valley for certain simplified forecasts of future traffic and is not intended for the use in adjusting traffic counts.

Response to Comment F-9A-9 provides a detailed analysis for seasonal traffic fluctuations and why they are not an issue in this analysis.

Detailed information on the use of passenger car equivalents is provided in Chapter 2, Section A of the TIA (DEIR Appendix L-1), in the sub-section entitled "Passenger Car Equivalents."

Response to Comment F-9B-6. The commenter states the TIA fails to provide the trip generation and distribution for each of the other development projects cited in the report, and does not show peak hour traffic for them through study intersections, roadway, and freeway segments. It also claims the 2017 scenario does not appear to include trips to and from various projects in Riverside County.

The traffic analysis included an exceptionally strong effort to incorporate a comprehensive list of other known projects, with over one hundred projects included on the list. As stated in the TIA (Chapter 2, Section B, DEIR Appendix L-1), these projects were input into the Riverside County Traffic Analysis Model (RivTAM) model, which computed the trips generated by these projects and distributed them to logical paths as is done for all land uses. The traffic impact of these projects is therefore fully accounted for in the TIA analysis.

Manually computing and assigning the traffic from each of these projects, which is what the commenter seems to be suggesting, represents an obsolete methodology from the days prior to the use of travel demand models in traffic analyses. Among other problems, such a procedure would not represent that ways that the individually-examined projects interact with each other. For example, it would not show how trips originating in one project might have another new project as a destination, or how the traffic from one project might cause the traffic from another project to divert to a different route. The City approved the use of RivTAM because it performs the trip generation and distribution functions much better than the procedure suggested by the commenter. RivTAM is a version of the SCAG's latest six-county model with additional detail (traffic analysis zones 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 needed to capture all likely impacts and conformity with regional planning assumptions. There is a memorandum of understanding³⁴ among the jurisdictions of Riverside County that encourages the use of the RivTAM model for TIAs. The MOU reads, in part (from page 4 of the MOU),

"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."

By using RivTAM for trip generation and assignment the TIA follows the approved methodology for traffic impact studies in Riverside County.

Response to Comment F-9B-7. The commenter states that several freeway segments volumes in 2035 are lower than in earlier years. He says that it is unreasonable to assume that the 25,000 new jobs will solely be taken by city residents. He further states that it is illogical for the level of service (LOS) to improve when the 41.6 million square feet of warehouse is constructed.

The commenter does not identify either the study segments or the study years so it is very difficult to provide a specific and detailed response to the comment. Overall, there are a number of reasons why freeway volumes may be lower in future years than in earlier years or why LOS may improve as follows:

- Improvements on alternate routes could divert traffic away from some segments, especially if the segments are congested. For example, when the WLC extends Eucalyptus Avenue from Redlands Blvd. to Gilman Springs Road will create an alternate route for some trips currently using Alessandro Blvd., SR-60, and Ironwood Avenue.
- Improvements to the road may result in a better LOS. An example would be the widening of Gilman Springs Rd. that is planned as part of the WLC.
- The commenter may have been comparing the 2012 Plus project scenario with the 2017 Plus project scenario and found that volumes are lower in some places in the latter scenario. This is due to the fact that the 2012 scenario includes full build-out of the WLC while the 2017 assumed only partial build-out. Please refer to Response to Comment B-2-8.

³⁴ *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.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- The long-term effect of SCAG's 2012 RTP/ Sustainable Communities Strategy (SCS) is to improve the jobs/housing balance and reduce the amount of long-distance commuting. This would reduce future traffic demand and could produce lower volumes in absolute terms at some locations.
- Upstream congestion may limit the amount of traffic reaching some segments, thus creating spot reductions in traffic volumes even though overall demand increases.

Any of these reasons could account for the occurrence cited by the commenter.

The TIA makes no claim that all WLC jobs would be taken by city residents.

Response to Comment F-9B-8. The commenter states Table 24 of the TIA provides inadequate detail on the trip generation of Phases I and II. TIA Table 24 (FEIR Volume 2 Appendix L-1) has been revised to clarify the trip generation by phase as requested.

Response to Comment F-9B-10. The commenter states Figure 26 and 27 in the TIA are misleading if they show only car traffic. They should also show truck traffic.

The TIA distinguishes between car traffic and truck traffic when it discusses trip generation and distribution. This is appropriate given that the two types of traffic use different routes (trucks are restricted to truck routes), have different air quality impacts, different time-of-day characteristics, etc. Figure 26 and 27 in the TIA (now numbered Figures 32 and 33 in the FEIR Volume 2, Appendix L-1), reproduced below, describe two key characteristics of WLC car traffic, namely:

- *Workers coming from Orange or Los Angeles County would, in most cases, be travelling on freeways in the off-peak direction; i.e. commuters traveling to the WLC from Los Angeles or Orange Counties would be headed eastbound in the morning and westbound in the evening. This would enable them to take advantage of the existing unused off-peak capacity of freeways, since the freeways were sized for flows in the peak direction.*
- *Assuming, as RivTAM does, that WLC employees would work elsewhere if the WLC project were not implemented, then the availability of jobs at the east end of Moreno Valley would reduce the number of workers driving long commutes to distant jobsites to the west and southwest. Exhibit F-9B-1: (Exhibit F-9B-1 below) of the TIA shows that although the project would increase freeway auto traffic eastbound in the morning, it would also decrease the traffic in the more congested westbound direction. In the evening the pattern would reverse, with the project relieving traffic in the congested eastbound direction (see Exhibit F-9B-2 in the TIA or Exhibit F-9B-2 below). Therefore, the WLC project would have a net beneficial impact on the regional freeway auto traffic. This is the desired effect sought in the policies of SCAG, WRCOG, and other regional governments and agencies that encourage better jobs/housing balances as a way to reduce peak directional flows on the regional freeway system.*

Since these are characteristics of car traffic only, not trucks, it is appropriate that the figures be based on car traffic only. Please note that there is a separate figure (Figure 36 in the revised TIA, FEIR Volume 2 Appendix L) showing the distribution of truck traffic.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

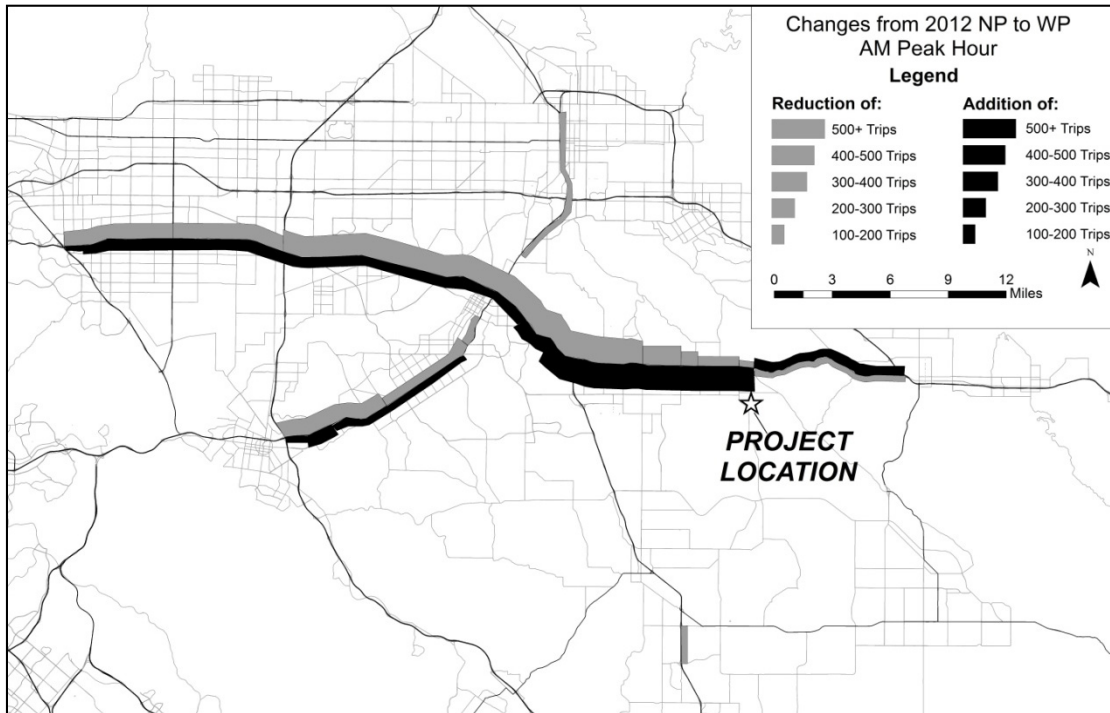


Exhibit F-9B-1: Effect of WLC on Freeway Car Traffic, AM Peak Hour 2012

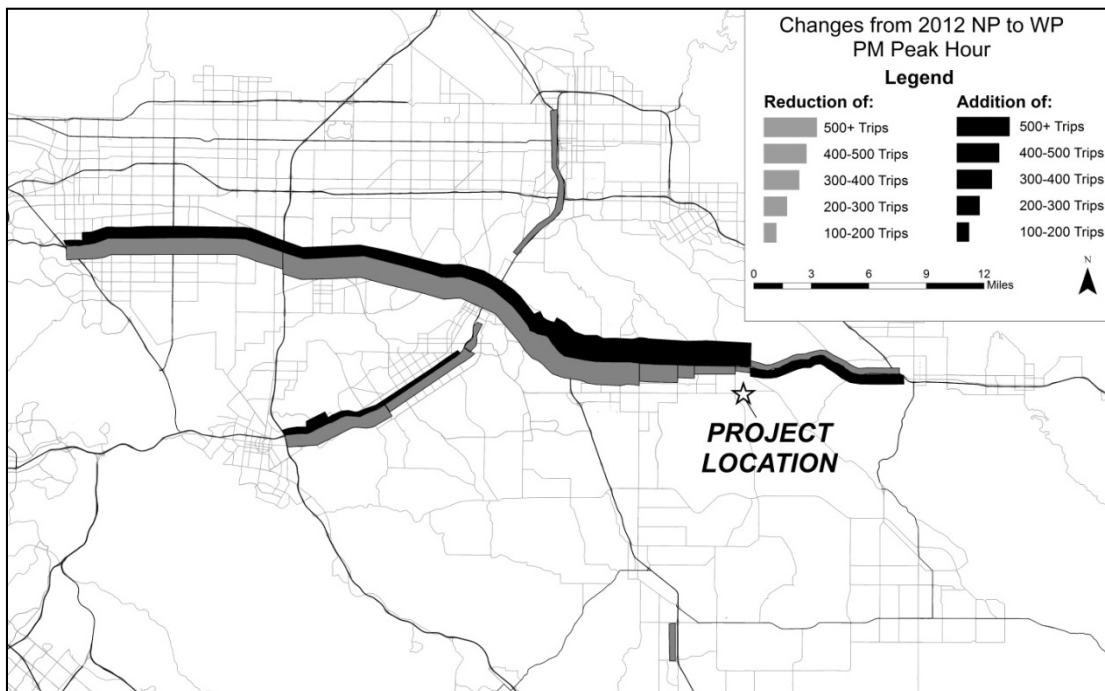


Exhibit F-9B-2: Effect of WLC on Freeway Car Traffic, PM Peak Hour 2012

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

Response to Comment F-9B-11. The commenter claims the TIA does not clearly identify project trips on freeway segments, roadway segments, and intersections. Instead, with- and without-project figures are given which require comparison.

As the commenter notes, the TIA provides a comparison of with- and without-project conditions. The commenter failed to mention that these volumes are provided side-by-side in the same tables to facilitate the comparison. For example, Table 38 in the revised TIA (Table 28 in the TIA contained in the DEIR) shows the with- and without-project traffic volumes on the freeways in the same row of a single table.

The project's traffic is reported separately in situations where this is appropriate, for example in the air quality analysis where the introduction of clean-fuel trucks servicing the project is being tracked over time. The traffic analysis is different in that the level of service is crucially dependent on the combined effects of project and non-project traffic for the purposes of assessing LOS. LOS cannot be assessed by separating project traffic and other traffic. The TIA therefore properly followed established practice in showing the total volume of traffic using a facility and comparing the with- and without-project LOS.

Response to Comment F-9B-12. The commenter claims the TIA does not follow Caltrans' *Guide for the Preparation of Traffic Impact Studies* in that it does not clearly disclose project generated trips. The commenter also repeats its earlier claim that the use of passenger car equivalents is not clear.

Caltrans' *Guide for the Preparation of Traffic Impact Studies* requirements in this regard are found in Appendix A, Section IV. Points C and D which read (regarding items to be included in a TIA report),

"C. project trip generation including references (table)

D. Project generated trip distribution and assignment (figure)"

The requirement to disclose project trip generation is fulfilled by TIA Chapter 2, Section A, sub-sections entitled Trip Generation Assumptions for High-Cube Warehouses, and Trip Generation Assumptions for Other WLC Land Uses, along with TIA Chapter 4, Section C (project Trip Generation), DEIR Appendix L. Please note that in Comment F-9B-8 the commenter cites the trip generation information in the TIA (DEIR Appendix L), the very information that this comment claims was not provided.

The requirement to provide a figure showing project trip distribution was fulfilled in TIA Figure 25 (DEIR Appendix L) (now numbered 28 FEIR Volume 2, Appendix L-1) showing the distribution of project car traffic and by Figure 29 (DEIR Appendix L) (now renumbered 33, FEIR Volume 2, Appendix L-1) showing the distribution of project truck traffic.

Also note that Caltrans reviewed and commented on the TIA and did not find any deficiency regarding the presentation of trip generation and distribution information. See Response Letter B-2.

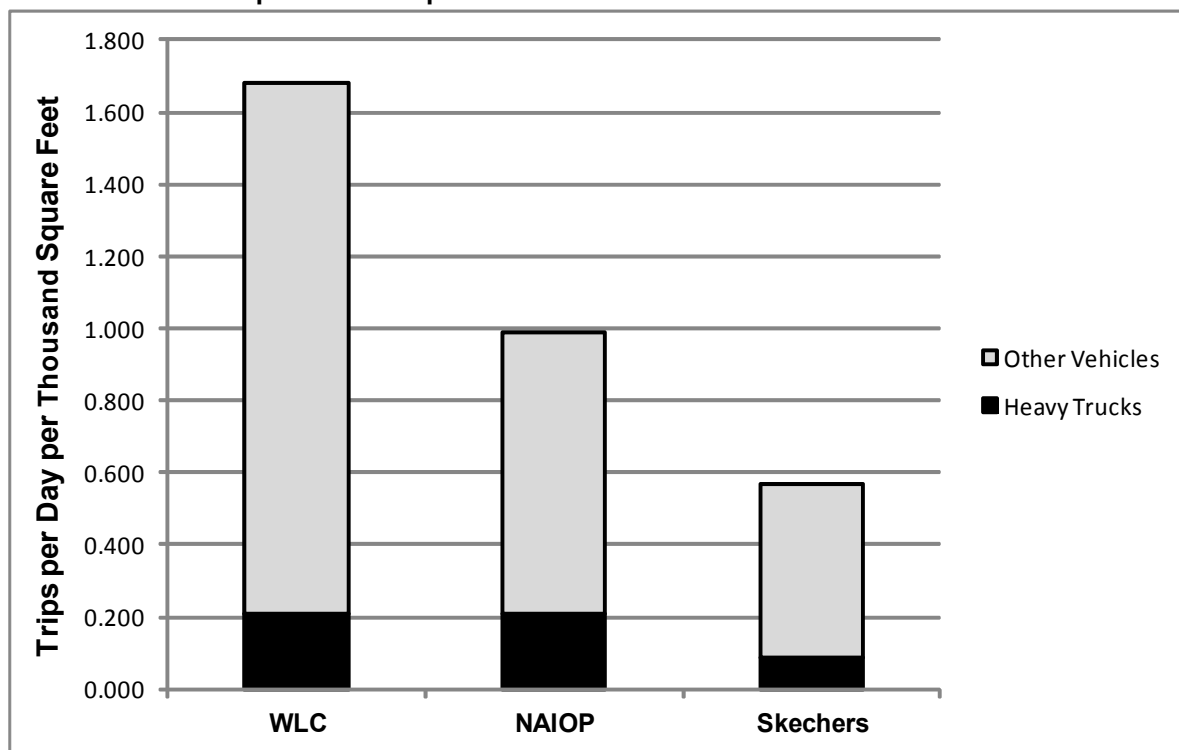
Detailed information on the use of passenger car equivalents is provided in Chapter 2, Section A of the TIA, in the sub-section entitled "Passenger Car Equivalents (PCEs)" (DEIR Appendix L).

Response to Comment F-9B-13, 14, 15, 16, 17. The commenter claims that the percentage of truck traffic used in the analysis was too low and results in under-estimation of air quality impacts. The commenter states the percentage of trucks from the NAIOP study should have been used.

Please see Responses to Comments F-9A-17 through F-9A-20. 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. The problem with this approach is the City has used it before in previous analyses and found that it produced results that were unreasonable when compared to actual field conditions. For example, this approach was used in EIR for the Skechers high-cube warehouse building and resulted in forecasts that were three times the actual operational trip generation for car trips and nearly eight times the actual trip generation for trucks³⁵. This approach is misleading to decision makers, creates an undue burden on development, and could ultimately discredit the City's project review process in the eyes of potential developers and members of the public. For these reasons it was not used in the current analysis and the formula in the City's Traffic Impact Guidelines was used instead. A comparison of the trip generation rates used in the WLC TIA and from the NAIOP, Moreno Valley 2013, and Skechers studies is shown in Exhibits F-9B-3 and F-9B-4 below.

Exhibit F-9B-3: Comparison of Trip Generation from Southern California Sources



³⁵ These figures are based on traffic counts taken at the Skechers building after it had been fully operational for over a year. See Technical Memorandum *Traffic Generated by the Skechers Warehouse*, Parsons Brinckerhoff to the City of Moreno Valley, November 14, 2012.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

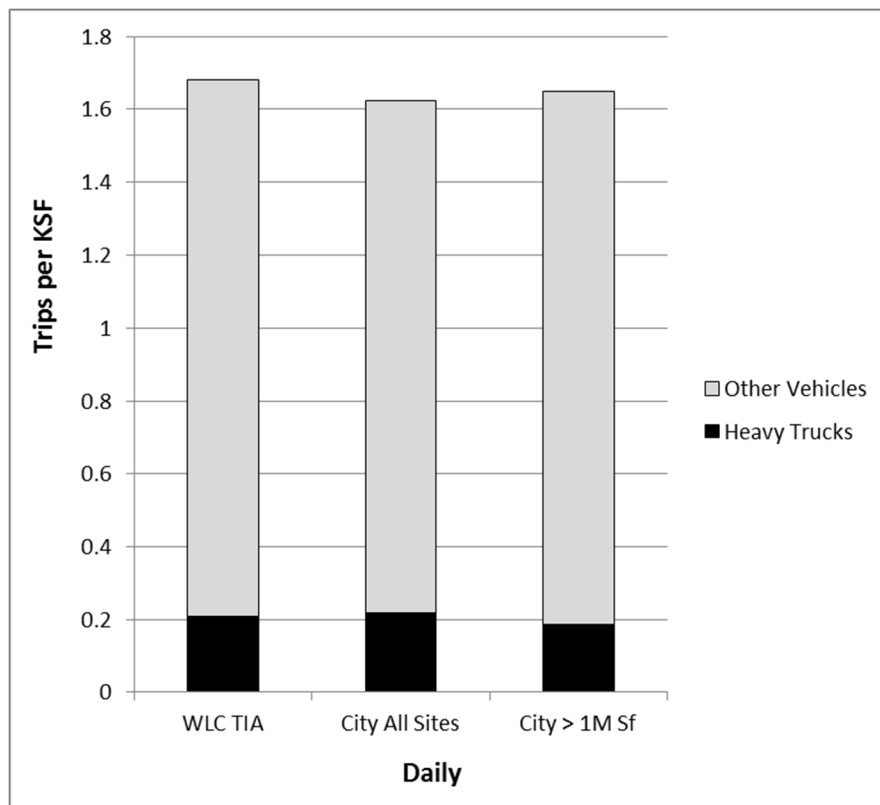


Exhibit F-9B-4: Comparison of Trip Generation from WLC TIA and City (2013) Warehouse Survey

Response to Comment F-9B-18, 19, 20, 21 The commenter claims the TIA incorrectly identifies many impacts as being cumulative when they are in fact direct impacts. The comment provides a list of 52 instances to support this contention.

Forty-seven, or 90%, of the 52 instances cited by the commenter occur in future-year scenarios where the addition of traffic from other development projects contributes to the level of congestion on the facility. Project impacts under these conditions were properly identified as “cumulative.”

Of the remaining five, two (Intersections 123 and 132) were identified as direct project impacts in Table 77 of the TIA (Table 73 in the revised TIA, FEIR Volume 2 Appendix L) entitled “Direct Impacts on Intersections and Mitigations Measures” (DEIR Appendix L). The remaining three instances, freeway mainline section F-6 and weaving sections 25 EB and 25 WB, were identified as a direct impacts in Table 78 of the TIA (Table 73 in the revised TIA, FEIR Volume 2 Appendix L) entitled “Direct Impacts on Freeways and Mitigations” (DEIR Appendix L).

Response to Comment F-9B-23. The commenter states there are several locations where the Plus-Project LOS is better than the No-Project LOS even though no physical improvements are installed. The commenter cites the Redlands/Alessandro intersection as a case where average traffic delay improves dramatically without any improvements specified. The commenter claims, “*it is not possible for intersection operations to improve unless additional traffic lanes are added or other improvements are made.*” The commenter also cites the Redlands/Ironwood, Placentia/Perris, and Evans/Rider intersections as places where this occurs.

Contrary to these claims, it is possible for traffic conditions to improve at a certain location even without physical improvements there. Specifically:

- The LOS of the Redlands Blvd./Alessandro Blvd intersection would improve with the WLC because the project would sever Alessandro Blvd east of Merwin Street, thus cutting off the main flow of traffic to the Redlands/Alessandro intersection (see Figure 16 in the TIA, copied below as Exhibit F-9B 5). The City is doing this to prevent project traffic from routing through an existing Old Moreno neighborhood along Alessandro Blvd. This would certainly have the effect of reducing congestion and traffic delay at Redlands/Alessandro.
- The project would extend Eucalyptus Avenue from Redlands Blvd. to Gilman Springs Road. This would divert some traffic away from Redlands Blvd. and reduce traffic delay at the Redlands Ave./Ironwood intersection.
- The reductions in delay at the two other locations cited in the comment are half-a-second or less. Minor changes like this can be accounted for by the general re-distribution of traffic that is to be expected with all major developments.

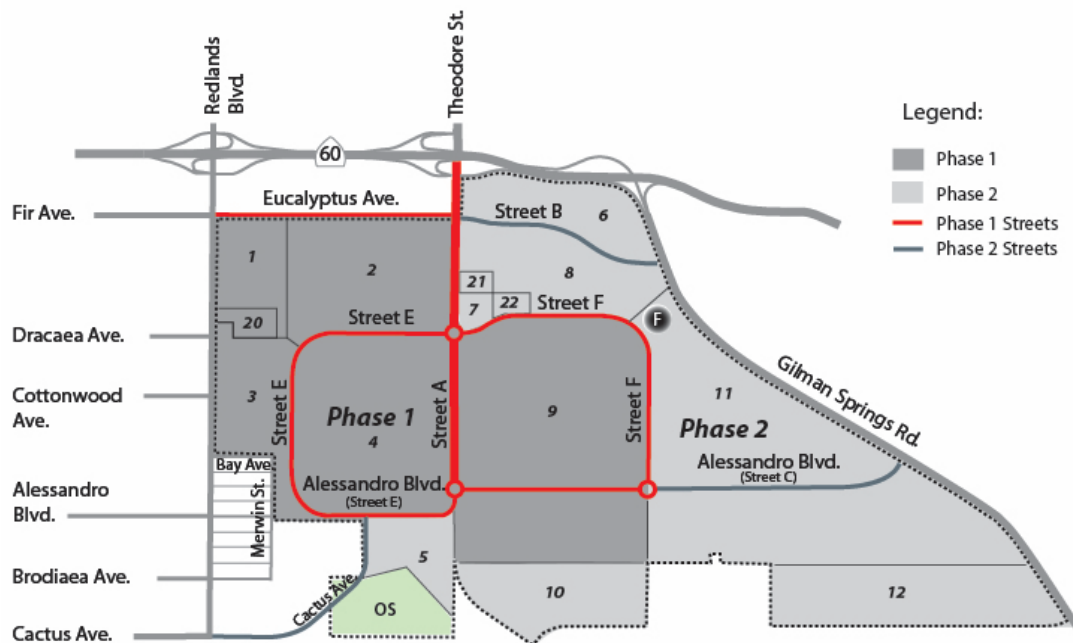


Exhibit F-9B 5: Proposed Roadways and Phasing

Response to Comment F-9B-24. The commenter claims that no mitigation measures were identified for 2017 or 2022. The claim that no mitigation measures were identified for 2017 and 2022 is incorrect. Response to Comment F-9A-12 includes a list of tables where mitigations for each year were provided in the TIA.

Response to Comment F-9B-25 through 35. The commenter contends that the DEIR 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 contained within the DEIR is MM 4.3.6.4A mandates that tenants participate in

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

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. In addition, Section 3.4.6.2 of the DEIR describes the various ways that the project would incorporate strategies to reduce congestion. Specifically, the DEIR states "*The Specific Plan states that project site development will support alternative transportation options for employees through implementation of onsite bicycle storage, preferred parking for low-emitting and fuel-efficient cars, carpool high-occupancy vehicles, and access to public transit.*" These requirements would be fully enforceable elements of the Specific Plan and the Mitigation Monitoring and Reporting Plan.

As stated in the WLCSP and Section 12.D of the TIA (DEIR Appendix L), the WLC would be designed to accommodate bus access on all project streets. Bus turn-outs and shelters would be provided at all active bus stops. However, there is no purpose in constructing bus turnouts prior to their need by the local transit agency. Bus stops/turnouts serve no purpose without the local transit agency utilizing them.

Due to the programmatic nature of this project, it is unknown at this time the nature of tenants that may choose to operate at the WLC. As a result, it is not known whether strategies like flex time would be compatible with a company's operations. A number of factors go into determination of work schedules, including operational needs, employee acceptance, labor negotiations and established work rules, coordination with offsite customers/vendors, coordination with other shifts to identify a few. As a result, it would be speculative as to whether such an effort would be feasible or successful.

The proposed project site is an industrial site. As such, it is not recommended that child care centers be located within the boundaries of the WLC. In addition, there are no suitable locations for offsite child care facilities within walking distance for several reasons. First, the WLC project is itself very large, covering approximately four square miles, and any location that would be walkable from a specific portion of the WLC project site would not be walkable from other portions of the site. More importantly, the project site is bounded on the north by State Route 60, on the east by the Badlands, on the south by San Jacinto Wildlife Area Conservation Buffer, and on the west by a residential buffer beyond which there are single family homes. As a result, no suitable location for a day care facility within walking distance of the WLC project site could be identified. However, there are a number of child care facilities nearby within the residential and commercial areas of Moreno Valley that could effectively serve employees working at the WLC.

Response to Comment F-9B-36. The commenter states that the mitigation measures in the TIA are defective in that the depth and scope of the traffic studies required under MM Trans-1 must be defined in the EIR in addition to including this requirement as a condition of approval for every project in the WLC.

MM Trans-1 contained in the TIA (and identified as MM 4.15.7.4A in the EIR) sets forth a requirement for the preparation of subsequent traffic studies for each plot plan application for the purposes of determining what traffic improvements identified in the TIA (and EIR) are required to be completed prior to the issuance of a certificate of occupancy for each building. The scope and depth of the traffic studies described in MM-Trans-1 will be as specified in the City of Moreno Valley *Traffic Analysis Guidelines*. These studies will be required as part of the project approval process. Both of these elements are part of MM Trans-1 (and MM 4.15.7.4A in the EIR). MM Trans-1 (and MM 4.15.7.4A in the EIR) has been re-written as follows (added text shown in double underline; deleted text shown in strikeout) to clarify this:

~~**4.15.7.4A** When processing future individual development permits under the World Logistics Center Specific Plan, as part of the City's discretionary approval process, the City shall require each project to perform a project specific traffic impact study to ensure~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

~~that the assumptions set forth in the TIA prepared for the programmatic level entitlement remain valid. These traffic impact analyses shall conform to the traffic impact analysis guidelines prepared by the City of Moreno Valley and the California Department of Transportation and shall be used to impose project specific mitigation on the individually proposed projects. These traffic analyses shall be completed prior to the issuance of grading permits for the requested development. It should be noted that the City will require that the applicant to fully fund or to pay a fair share of some of the improvements identified in Tables 4.15.AX through 4.15.BC. These improvements will be required by the City as a Condition of Approval.~~

4.15.7.4A A traffic impact analysis ("TIA") conforming to the guidelines for traffic impact analysis adopted by the City shall be submitted in conjunction with each Plot Plan application within the World Logistics Center Specific Plan. Prior to the approval of the Plot Plan, the City shall review the traffic impact analysis to determine if any of the traffic improvements listed in Final EIR Volume 2 Tables 4.15.AV through 4.15.BA (TIA Tables 74 through 79) of the traffic impact analysis prepared for the Program Environmental Impact Report are required to be completed prior to the issuance of a certificate of occupancy for each building. If the City determines that any of the improvements within Moreno Valley are required to be constructed in order to ensure that the traffic impacts which will result from the construction and operation of the building will be mitigated into insignificance, then the completion of construction of the improvements prior to the issuance of a Certificate of Occupancy for the building shall be made a Condition of Approval of the Plot Plan. Construction of improvements within the City shall be subject to credit/reimbursement agreement for those DIF and/or TUMF eligible costs. If the City determines that any of the improvements outside Moreno Valley are required to be constructed in order to ensure that the traffic impacts which will result from the construction and operation of the building will be mitigated to a less than significant level, then the payment of any necessary fair share contribution as prescribed in Mitigation Measure 4.15.7.4G prior to the issuance of a Certificate of Occupancy for the building shall be made a Condition of Approval of the Plot Plan. If the City determines that the traffic impacts which will result from the construction or operation of a building will be significantly more adverse than those shown in the Program Environmental Impact Report, further environmental review shall be conducted prior to the approval of the Plot Plan pursuant to Public Resources Code § 21166 and CEQA Guidelines § 15162 to determine what additional mitigation measures, if any, will be required in order to maintain the appropriate levels of service.

Response to Comment F-9B-37. The commenter states the mitigation measures in the TIA are defective in that MM-Trans-5 requires a study that could take a long time. Payment into the fee must be an enforceable condition of approval. MM-Trans-5 should include the County, not just Caltrans and the cities.

Payment into the multi-jurisdictional program is already an enforceable condition of approval under MM-Trans-5. The time required to do the study depends on other agencies' actions and so is not under the control of the City of Moreno Valley. In response to the comment the County of Riverside has been included as one of the agencies that the City will endeavor to work with to establish the inter-jurisdictional funding mechanism.

Response to Comment F-9B-38. The commenter states the mitigation measures in the TIA are defective in that MM-Trans-6 states that the City will try to align TUMF priorities with the project but there is no guarantee that this will happen given that many improvements are needed throughout the county.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

MM-Trans-6 correctly states that the City will request the change in priority and work with Western Riverside Council of Governments (WRCOG) regularly on this issue. However, the City does not have direct control over TUMF priorities and therefore any change requires working cooperatively with all other partner agencies. Because there is no guarantee that TUMF funded improvements will be in place when needed, impacts mitigated by TUMF funded improvements are characterized as significant and unavoidable. See TIA in Chapter 11, Sections E and F, FEIR Appendix L.

Response to Comment F-9B-39 and 40. The commenter states the DEIR and TIA propose to use payment of TUMF and DIF as mitigation for direct project impacts. The commenter also states that the DEIR and TIA must provide supporting evidence of which TUMF projects are programmed and which are not.

The FEIR and TIA (FEIR, Appendix L) has been clarified to state that fair share payments for direct project impacts will be made in addition to TUMF and DIF payments. The rationale behind this mitigation approach is that most of the direct impacts (see FEIR Tables 4.15.AT through 4.15.AV or TIA Tables 72, 73, and 74) are to facilities that already have existing deficiencies. Under these circumstances, the project should only pay its fair share of the cost of the improvements needed to achieve the adopted LOS target in accordance with key federal court rulings (i.e., *Dolan v. City of Tigard* 1994) and California law.

Furthermore, the FEIR and TIA contain a mitigation measure (FEIR MM 4.15.7.4A and TIA MM Trans-1) requiring preparation of subsequent TIAs in conjunction with each Plot Plan application within the WLCSP for the purposes of determining which of the traffic improvements listed in FEIR Tables 4.15.AT through 4.15.AY (or Tables 72 through 77 of the TIA prepared for the Program EIR) are required to be completed prior to the issuance of a certificate of occupancy for each building. In this manner, each increment of development will be required to install/construct certain transportation improvements identified in FEIR Tables 4.15.AT through 4.15.AY as dictated by the subsequent TIAs.

The comment regarding TUMF programming puts the cart before the horse in terms of how prioritization, programming, and allocation of funds work in the TUMF program. The premise of the comment is that the list of programmed projects is fixed and so the list of programmed projects accurately reflects which projects will be funded in the future. In fact the list is not fixed; it is updated as situations change. Some of the projects that would support the WLC are not on the list because the WLC has not yet been approved; if the City approves the WLC then the project list will be adjusted to reflect this major economic development. It is already the policy of Riverside County Transportation Commission (RCTC) to prioritize improvements that support economic development projects such as WLC. To quote from RCTC's *Commission Policy Goals and Objectives* statement:

“Encourage Economic Development

Transportation decisions will consider the economic benefits derived from any improvement, and, where feasible and practical, will pursue transportation alternatives that enhance or complement economic development.

- Commit to seek opportunities related to transportation projects that will create jobs and improve the economic base in the County.*
- Support local agencies in the design and construction of interchanges that are in proximity to regional economic centers and developments.*
- Support local projects, consistent with countywide transportation goals, which enhance business development, local employment, and area tourism.”*

Response to Comment F-9B-41. The commenter states that in several cases the TIA dismisses potential mitigation measures due to high cost, which is not allowed.

The TIA noted, as information for the use of policy makers, the cost of some improvements would be high. While the CEQA definition specifically takes into account economic factors, this was not a criterion used to determine feasibility for these traffic-related impacts. In the TIA, improvements were deemed to be infeasible if they would (1) require the acquisition of existing homes or businesses; (2) result in excessive air, noise, or vibration impacts on existing homes, businesses, or sensitive natural environments, or (3) create safety impacts that could be considered less acceptable than an improved traffic LOS. In cases where feasibility is uncertain the recommended improvement was treated as feasible in order to produce a conservative estimate of project responsibilities so the project's responsibilities would not be under-estimated. Discussions of the cost of improvements have been removed from the TIA to avoid confusion (FEIR, Volume 2, Appendix L-1).

Response to Comment F-9B-42. The commenter states that there are numerous cases of cut-and-paste errors in the text. The TIA has been reviewed and such errors have been eliminated as they were found (FEIR, Volume 2, Appendix L-1).

Response to Comment F-9B-43. The commenter states the mitigation measures are not shown to be timely. The commenter recommends that the City require the project to construct all mitigation measures needed for cumulative impacts and be later reimbursed for the excess portion beyond the project's fair share.

As stated in the Response to Comment F-9B-2, the City's ability to determine the schedule for implementing mitigation measures is limited. The City has committed to use the reimbursement approach in cases where the project can be shown to have a major impact and where improvements are needed in the short term; for example for Gilman Springs Road. However, neither the developer nor the City has the authority to upgrade facilities in other jurisdictions as suggested by the commenter. Moreover, requiring the project to pay in advance the full the cost of improvements for which it has only a small share of responsibility, which is the case of most of the mitigations identified in the report that are outside of the City, would be contrary to the "rough proportionality" requirement of the Mitigation Fee Act. MM 4.15.7.4F requires the establishment of fair share contribution mechanisms in the affected jurisdictions, which gives all jurisdictions affected by WLC traffic the ability to establish a mechanism to obtain fair share funds from the WLC project as development occurs in the future.

In addition, the approach suggested by the commenter would usurp other agencies' discretion over the orderly development of their facilities. For example, the WLC is responsible for less than 1 percent (0.8%) of the cumulative need to widen I-215 between SR-74 and Ellis Avenue (see TIA Table 77). This widening would have no benefit, in fact could cause traffic operations problems, unless it is done in conjunction with the construction of the proposed new interchange at Ellis Avenue, which is scheduled for completion in 2030 and which has no relationship with the WLC (see RTP project # 3M0731).

Response to Comment F-9B-44. The commenter states their opinion that traffic queuing should have been analyzed in the TIA.

The City does not require queue length analysis for studies intended to provide planning-level assessments of potential improvements that may be needed decades into the future. The City will require queue length analysis where appropriate for plot-level traffic studies as portions of the project build out and more design details are developed, including about building footprints, driveway locations, etc.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-9B-45. The commenter states the TIA should address using rail as a mitigation measure.

An additional section (Chapter 4, Section F) has been included in the TIA (FEIR Volume 2, Appendix L-1) that analyzes the potential for serving project trips by rail. The analysis showed that rail service to this site was not viable due to a variety of factors, including high fixed costs, secondary impacts on the community, and capacity constraints in the rail system.

Response to Comment F-9B-46. A Mitigation Monitoring and Reporting Program (MMRP) is provided in the FEIR, Volume I. It contains all the mitigation measures in the DEIR and FEIR. CEQA Guidelines Section 15097(a) states *“when a public agency has made the findings required under paragraph (1) of subdivision (a) of Section 15091 relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.”*

Response to Comment F-9B-47. The commenter is summarizing his previous comments related to the adequacy of the WLC to implement measures to reduce traffic impacts for measures that are not funded and that the project after additional corrections to the “faulty methodology” in relation to traffic is corrected, the project will be found to have additional significant impacts in Years 2012, 2017, 2022, and 2035 which must be fully evaluated and mitigated in a Recirculated DEIR. Revisions to the TIA were conducted and are provided in FEIR Volume 2 Appendix L-1 of this FEIR. The revised TIA did not find additional significant traffic impacts of the proposed project.

Response to Appendix 1 (Résumé for Tom Brohard). The referenced appendix was cited in the comment letter in the section under Education and Experience. We have reviewed the resume in the appendix and although we appreciate the inclusion of professional resumes as parts of comments, we review and consider all technical comments equally.

Response to Appendix 2 (General Plan Amendments Summary for Riverside County). The appendix was cited in the comment letter in reference to the comment that the “Year 2017 traffic volume baseline does not appear to include trips to and from various nearby development projects...” The appendix was reviewed and is included in the analysis in the revised TIA and Section 4.15 of the FEIR Volume 2.

Response to Appendix 3 (California Emissions Estimator Model – Appendix E Technical Source Documentation). The appendix is intended to provide additional information related to the truck trip generation estimations. The appendix was reviewed and is included in the analysis in the revised TIA and Section 4.15 of the FEIR Volume 2.

**Letter F-9C: Sustainable Systems Research, LLC; (April 8, 2013) and
Appendices 1 And 2 (On Flash Drive)**

Sustainable Systems Research, LLC
 27276 Meadowbrook Dr.
 Davis, CA 95618
 April 8, 2013

To: Adriano Martinez
From: Alex Karner, PhD
Subject: World Logistics Center Truck Distance Estimates

I was retained by the Natural Resources Defense Council to assess the truck trip distance estimates contained in the Draft Environmental Impact Report for the proposed World Logistics Center (WLC). My curriculum vitae is attached to this memorandum.

The WLC is a proposed warehouse distribution and logistics center that would create a maximum of 41.4 million square feet of warehousing space over an area of approximately 4,000 acres in the San Bernardino Valley in the city of Moreno Valley, California [1, p. 3-19]. This memo assesses the derivation of an important variable used in the Draft Environmental Impact Report for the WLC (DEIR) – the average distance that trucks travel to access the site. This distance is used throughout the DEIR to determine the air quality, greenhouse gas, and traffic impacts of the project (see, e.g., DEIR Appendix D, pp. 119-121). Small variations in this value are likely to affect the magnitude of calculated environmental impacts because they will affect all truck trips. Problematically, the DEIR's estimated distance for all future years is based on 2008 *regional* truck movements with an arbitrary adjustment upward to account for the types of trips expected to be generated by the WLC. However, the expected distribution of truck trips coming to/from the WLC is not specified and is not likely to reflect future increases in truck traffic associated with the San Pedro Bay Ports, as illustrated further below.

In reviewing the derivation of this value, I consult the air quality, greenhouse gas, and health risk assessment appendix to the DEIR (Appendix D) and the traffic impact report appendix to the DEIR (Appendix L).¹

DEIR Approach to estimating truck trip distance

Assumptions about truck trip distance – the average length trucks travel to and from the WLC – critically affect the magnitude of the WLC's estimated environmental impacts. Deriving an appropriate trip length is complicated by the variation in truck origins and destinations. To address this challenge, Appendix D follows an approach based in part on a recommendation made by the South Coast Air Quality Management District (SCAQMD) in their comments on the Bandini Industrial Center Project.²

In brief, the method used in Appendix D proceeds as follows. Consider truck traffic originating from or destined for six mutually exclusive geographies: internal to the SCAG region, external to the SCAG region in four possible directions, and the San Pedro Bay Ports. This disaggregation follows from the approach taken in the Southern California Association of Governments (SCAG) 2012 regional transportation plan goods movement appendix [2, pp. 13-14]. That appendix classifies all regional truck trips for 2008 into five categories (percentages of total regional truck trips are shown in parentheses): internal to SCAG (87.3%), external to SCAG (7%), and three San Pedro Bay Port-related categories (5.7%). The total number of truck vehicle

¹ Note that this is a partial review of all documents associated with the project. Review of additional documents may reveal factors that were not considered as part of this review that would change the conclusions it contains.

² MacMillan, I. April 27, 2012. Email to Nancy Fong Re: Draft Mitigated Negative Declaration (Draft MND) for the Proposed Bandini Industrial Center. <http://www.aqmd.gov/CEQA/igr/2012/April/MNDbandini.pdf>

miles traveled (VMT) is then taken from elsewhere in the RTP and associated with each category of travel [3, p. 52]. Dividing truck VMT by the total number of truck trips results in an average per trip length for each trip category. Using the RTP values, the DEIR takes the share of trips in each category multiplied by its average distance and sums over all categories to arrive at a representative trip length. Results are shown for both the SCAG region as a whole and Riverside County alone because they have somewhat different distributions of trip categories. Both result in the same average trip distance of 36 miles.

This figure is subsequently adjusted upwards:

[B]ased on various comments from the SCAQMD regarding trip lengths for trucks going to warehouse and distribution center projects as contained in their published CEQA review correspondence, the trip length used for this analysis is increased to 50 miles to provide a worst case scenario. (Appendix D, p. 120).

The “published CEQA review correspondence” cited in the quotation above was not available, so the extent to which the trip distribution was adjusted to achieve that result is unclear. We return to the issue of the disparity between the 36 and 50 mile average trip distance estimates below.

Flawed DEIR approach

The categorization of truck trips used in the RTP is justified in Appendix L which states “truck traffic associated with the WLC and other logistics centers is expected to follow this general pattern” (Appendix L, p. 61). However, the transfer of the regional and county-specific distribution of truck trips is not likely to reflect the distribution of actual truck trips at the WLC for several reasons. Most importantly the WLC is being constructed precisely to accommodate expected growth in port-related truck traffic. An article from the Press-Enterprise on the WLC describes SCAG Executive Director Hasan Ikhrata as stating that the “growing volume of cargo from the ports creates a demand for warehouse space on the scale sought by Benzeevi [the WLC’s developer].”³ Additionally, SCAG’s 2012 RTP states that while current port-related truck traffic stays largely in the vicinity of the San Pedro Bay Ports, that pattern is expected to change “in the future with an increase in the number of daily trucks traveling to warehouses in the San Gabriel Valley and the Inland Empire” [2, p. 14]. Specifically, the RTP states that by 2035, 8.8% and 7% of all port-related truck trips will be associated with eastern and western San Bernardino Valley, respectively (ibid.).⁴ In other words, 15.8% of all truck traffic related to the San Pedro Bay Ports will have an origin or destination within the San Bernardino Valley, where the WLC is located. This amounts to a total of $120,000 * 0.158 = 18,960$ port-related truck trips per day entering or exiting the Valley in 2035.⁵ As a result, SR-60, the main facility serving the WLC, is projected to see the highest growth among all east-west corridors in the region (ibid.). Future distributions of truck traffic expected in the vicinity of the WLC are therefore likely to shift to port-related trip purposes.

³ Danelski, D. March 12, 2012. “Moreno Valley: Huge Warehouse Development Sought.” *The Press-Enterprise*. <http://www.pe.com/local-news/riverside-county/moreno-valley/moreno-valley-headlines-index/20120310-moreno-valley-huge-warehouse-development-sought.ece>

⁴ These percentages represent an increase from 0.5% and 2.3% for the eastern and western San Bernardino Valley in 2008, respectively.

⁵ According to SCAG’s 2012 RTP, port-related truck trips numbered 1,400 in 2008.

Sensitivity of the estimated distance to input assumptions

The DEIR analysis for the WLC errs because it assumes that the distribution of truck traffic that serves the facility will remain unchanged in the future and will reflect the 2008 *regional* or county-wide distribution of all truck trips as stated in the 2012 SCAG RTP. In other words, the truck trip distribution is not adjusted to reflect the types of trips expected to enter or exit the WLC site; instead the truck distribution entering and leaving the WLC for all analysis years is assumed to mimic the region's truck trip distribution in 2008.

The 2008 distribution of trips based on the 2012 SCAG RTP is asserted in the DEIR even though the trip distance is adjusted upwards from 36 to 50 miles. However, this increase actually depends upon a shift to longer trip types, based on a recognition that the warehouse facility will generate trips differently than the region-wide 2008 average would suggest. External-north, external-south, and port-related trips are all 50 miles in length or greater, so in order to increase from 36 to 50 miles, greater shares of these trips would have to be realized. Table 1 illustrates one possible truck trip distribution that would generate an average trip distance of 50 miles and compares that to the distribution for Riverside County cited in the DEIR (Appendix D, p. 120; Appendix L, p. 61). The adjusted distribution was generated by growing the percentage of all trips 50 miles or greater at an equivalent rate, and shrinking the percentage of all trips less than 50 miles at an equivalent rate. Each of the percentage values for trips 50 miles or greater was multiplied by 3.35 and each of the percentage values for trips less than 50 miles was multiplied by 0.773. These values were determined by trial-and-error.

Table 1. Truck trip distributions for the DEIR and a hypothetical adjusted example. Trip lengths represent average one-way travel between an origin or a destination and the WLC. The DEIR Riverside County share of truck trips is based on 2008 values in the region and is used in the DEIR to estimate the distribution of WLC trips for all analysis years. The adjusted Riverside County share of truck trips is a hypothetical example showing one possibility for realizing the adjusted 50 mile average trip length used in the DEIR.

Trip type	Direction	Trip length (mi)	DEIR Riverside County share of truck trips (%)	Adjusted Riverside County Share of truck trips
Internal		30	87.9	67.9
External	North	140	4.0	13.4
	Northeast/ Southeast	47	2.2	1.7
	East	23	1.1	0.85
	South	50	3.0	10.1
Port-related		79	1.8	6.0
Weighted average trip length (mi)			36	49.9

The hypothetical adjusted distribution shown in Table 1 illustrates that the internal proportion of truck trips must drop substantially to result in an average distance of 50 miles.⁶ Proportions of long external and port-related trips increase accordingly. These percentages can be converted into numbers of total truck trips per day using values presented in the DEIR. Appendix D shows

⁶ This will be the case in any scenario with an average trip length of 50 miles. Even if all trip types with distances less than 50 miles had a 0% share and external-north (the longest trip type) increased accordingly, average trip distance would only be 40 miles.

total daily trips at full project buildout in 2022 (Appendix D, Table 17, p. 112). The total number of estimated truck trips per day accessing the WLC in 2022 is 14,683. This total, and the share shown in Table 1 of 6%, implies that the total number of port-related truck trips entering and leaving the WLC under the hypothetical adjusted distribution would be $0.06 * 14,683 = 881$ at project buildout in 2022. The total number of port-related trips associated with the San Bernardino Valley in 2022 is likely to be approximately 9,100.⁷ In 2035, at the end of the project's planning horizon, port-related truck trips entering and leaving the San Bernardino Valley will number 18,960 trips per day. According to a SCAG-sponsored study, the total regional share of warehousing space devoted to port-related uses will grow from 19% in 2022 to 25% in 2035 [4, Table 3.2]. Other data from that study show the proportion of warehousing space in Western Riverside County (where the WLC will be located) devoted to port-related uses increasing from 7.1% in 2008 to 14.4% in 2022 and 2035 [4, Table 5.9]. In light of these figures, the proportion of port-related truck trips attributed to the WLC in the DEIR appears unreasonably low.

Values for the total number of port-related trips drawn to the San Bernardino Valley in 2022 and 2035 shown above are both much higher than the number of port-related trips expected to be drawn to the WLC according to the DEIR analysis, yet the facility will be the largest warehouse constructed in the United States when it begins operation.⁸ Additionally, the WLC's proposed 41.2 million square feet of warehousing space exceeds total available in Riverside County as of 2009 [4, Table 2.3]. The size of the WLC, combined with the stated logic of its construction – to serve growth in port-related cargo volumes – indicate that the proportion of port-related trips expected to be traveling to and from the WLC deserves closer scrutiny. The DEIR should explicitly state the new distribution of truck trips it uses to get from 36 to 50 miles and compare the project's expected share of port-related trips to the total expected in the San Bernardino Valley in 2022 and 2035 to ensure that the calculated values are within reason. If the DEIR finds that the projected share of port-related traffic is too low in future years, it is likely that the average trip distance will need to be increased to reflect the true environmental impacts of the WLC.

REFERENCES

1. LSA Associates, *Draft Environmental Impact Report World Logistics Center Project*. 2013, City of Moreno Valley: Riverside, CA.
2. SCAG, *Regional Transportation Plan/Sustainable Communities Strategy 2012-2035: Goods Movement Appendix*. 2012, Southern California Association of Governments: Los Angeles, CA.
3. SCAG, *Regional Transportation Plan/Sustainable Communities Strategy 2012-2035: Highways and Arterials Appendix*. 2012, Southern California Association of Governments: Los Angeles, CA.
4. SCAG, *Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities (Task 5 Report)*. 2010, Southern California Association of Governments: Los Angeles, CA.

⁷ Using the previously cited RTP estimates (1,400 truck trips in 2008, 18,960 truck trips in 2035) and assuming a linear increase in truck volumes from 2008 to 2035, approximate truck volume in 2022 = $(18960 - 1400) * 0.519 = 9,114$. Note that 0.519 represents the year 2022 as a proportion of time between 2008 and 2035.

⁸ Danelski, D. March 12, 2012. "Moreno Valley: Huge Warehouse Development Sought." *The Press-Enterprise*.

RESPONSES TO LETTER F-9C

Sierra Club, Center for Community Action and Environmental Justice, and Natural Resources Defense Council

Response to Comment F-9C-1. The commenter states Sustainable Systems Research, LLC was hired by the Natural Resources Defense Council to review the World Logistics Center (WLC) Draft Environmental Impact Report (DEIR) Traffic and Transportation sections and the Traffic Impact Analysis (TIA) Report (January 2013) prepared by Parsons Brinkerhoff. The commenter's, Alex Karner, PhD, professional resume is attached to the comment letter. The commenter's letter and his resume will be provided to the City decision makers for their review prior to action on the proposed project and EIR.

Response to Comment F-9C-2. The commenter claims that the average truck trip distance of 50 miles was used to determine the air quality, greenhouse gas, and traffic impacts of the project. He believes that the number is incorrect and specifically states that the distribution of trips to the port should have increased over time.

The 50 mile figure for average truck distance is a default value suggested by the South Coast Air Quality Management District (SCAQMD) for use when modeling data is not available. The traffic analysis did not use this figure but instead used the Riverside County Traffic Analysis Model (RivTAM) model to determine the distribution of origins and destinations for project-related trips. This is in accordance with City guidance and with best industry practice. The air quality analysis originally used the 50 mile figure but the analysis has been revised since to using the trip distribution pattern from the RivTAM model since it more realistic and better reflects the anticipated change in travel patterns over time (Final Environmental Impact Report (FEIR) Volume 2, Appendix L-1).

In response to this and other similar comments, an additional section (Section F) was included in Chapter 12 of the TIA (FEIR Volume 2, Appendix L) to provide more details regarding the forecasts of truck trips to the port. The analysis was also revised to include a share of port-related truck traffic that increases over time. This is shown in a Table F-9C.A (see below, showing the expected increase in project trips to the ports over time.

Table F-9C.A: WLC Truck Trips to and from the Port by Analysis Period³⁶

Scenario	AM Peak Hour		PM Peak Hour		Daily	
	In	Out	In	Out	In	Out
2012 Plus Build-out	18	10	14	17	121	121
2022 Plus Phase 1	19	11	15	18	127	127
2035 Plus Build-out	57	33	46	53	393	393

This forecast of trips to the port is supported by survey data and demand forecasts from Southern California Association of Governments (SCAG) and the Port of Long Beach, as cited in the TIA.

Response to Comment F-9C-3. The commenter indicates what documents were used to develop the Comment F-9C-2.

Response to Comments F-9C-4, -5, -6 and -7. The commenter provides calculations that attempt to reconcile the trip distribution in the TIA with the 50 mile average distance; states that a higher share

³⁶ The 2022 Plus Phase 1 scenario has only half as much warehouse space as the 2012 Plus Full Build-Out scenario but, because a the percent of space devoted to port uses nearly doubles in the 2012-to-2022 period, the truck trips to the port (once rounded to whole numbers) are nearly the same.

of trips to the port would be needed for the average trip length to be 50 miles; and request that the TIA explicitly state the estimated number of truck trips to the port and show that those are within reason. The revised TIA does provide an expanded discussion on trip generation and trip length to address this and other similar comments.

The commenter's calculation is based on the incorrect premise that the 50-mile figure was the result of the trip length distribution used in the analysis. In fact, the 50 mile average truck trip distance was a conservative default value suggested by SCAQMD. This default value is unrelated to the truck trip length distribution modeled by RivTAM and which is likely to occur when the project is built. The RivTAM's trip length distribution is used in the TIA analyses. The commenter is referred to the low percentage of trips going to and from the port in the SCAG projections, and should also see Table E-2A.A in Response to Comment E-2A-7 for additional information in this regard.

As stated in Response to Comment F-9C-2, the TIA analysis includes an assumption that truck trips to the ports will increase over time. An additional section (Section F) was included in Chapter 12 of the TIA to provide more details regarding the forecasts of truck trips to the port. The analysis was also revised to include a share of port-related truck traffic that increases over time. This is shown in a Table 87 (see Response to Comments F-9C-4, -5, -6 and -7, showing the expected increase in project trips to the ports over time. This forecast of trips to the port is supported by survey data and demand forecasts from SCAG and the Port of Long Beach, as cited in the TIA (FEIR Volume 2, Appendix L-1).

Response to Comment F-9C-5. The commenter elaborates on his earlier statement that the distribution of trips to the port should have increased over time. The TIA analysis includes an assumption that truck trips to the ports will increase over time. Please see Response to Comment F-9C-2.

Response to Comment F-9C-6. The commenter elaborates on his earlier calculation that attempts to reconcile the trip distribution in the TIA with the 50 mile average distance, and reaches a conclusion that a higher share of trips to the port would be needed for the average trip length to be 50 miles. The commenter suggests adjusting the number of trips to the port accordingly.

As stated in our Response to Comment F-9C-2, the 50 mile average truck trip distance was a conservative default value suggested by SCAQMD and is unrelated to the truck trip length distribution that is found in RivTAM and is likely to occur when the project is built. The TIA's forecast of trips to the port is supported by survey data and does not need adjustment.

Response to Comment F-9C-7. The commenter elaborates on his calculation cited in the previous comment to conclude that the TIA may have under-estimated truck trips to the port. He requests that the TIA explicitly state the estimated number of truck trips to the port and show that they are within reason.

The commenter's conclusion is based on his misunderstanding of the 50-mile average truck length figure, its derivation, and the function it served in the traffic analysis (none). A detailed analysis has been added to the TIA to clarify the assumptions regarding trips to the port and to demonstrate that they are supported by field evidence. See TIA Chapter 12, Section F (FEIR Volume 2, Appendix L-1).

Response to Appendix 1 (Resume for Alex Karner). The referenced appendix was cited in the comment letter. We have reviewed the resume in the appendix and although we appreciate the inclusion of professional resumes as parts of comments, we review and consider all technical comments equally.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Appendix 2 (SCAG, Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities (Task 5 Report) (Jul. 2010)). The referenced appendix was cited in the comment letter in reference to the approach used to estimate truck trip distance. The appendix was reviewed and is included in the analysis in the revised TIA and Section 4.15 of the FEIR Volume 2.

Letter F-10: Tri-County Conservation League (April 8, 2013)

8 April 2013

Mark Gross
City of Moreno Valley
Community and Economic Development Department
14177 Frederick Street
P O Box 8805
Moreno Valley 92552
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cc John Terell (JohnT@moval.org)

Re: DEIR for the proposed World Logistics Center, State Clearinghouse No. 2012021045

Please accept the following comments pertaining to the project referenced above on behalf of the Tri-County Conservation League (TCCL). TCCL is a public interest organization primarily concerned with the Santa Ana River and its watershed. The proposed project lies wholly within the Santa Ana River Watershed and, by virtue of its size and nature, has great potential for adversely affecting the river, its tributaries, and their associated natural communities both directly and indirectly. Please include these comments in the public records pertaining to CEQA review of the above referenced project.

1

The proposed World Logistics Center project (hereafter WLC Project) must be viewed in the context of pre-existing conditions, the overall needs and welfare of residents, and likely prospects that it would enhance the community. Although growth boosters abound (sometimes verging on irrational exuberance), real opportunities for the city to achieve fiscal security while enhancing, or at least not sacrificing its residential "Quality of Life" are limited. One must question whether the proposed benefits of the WLC project to the community are realistic and whether they would outweigh likely detriments.

2

The nature of the problem

The City of Moreno Valley aspires to be a place "where dreams soar", yet its aspirations for economic growth and community vitality are ultimately constrained by physical and economic realities. Most of the urban landscape is devoted to residential use, which (partly due to Prop 13 tax constraints) lacks the tax base to support and improve urban services in the long-term. This is a persistent structural problem.

3

One might ascribe Moreno Valley's fiscal problems to poor urban planning, which has followed a path of growth divergent from traditional communities. While population centers traditionally arise around sources of economic opportunity, based on proximity and/or convenient access to basic industrial resources and transportation corridors, the City of Moreno Valley has reversed the process by first establishing itself as a bedroom community to distant job centers. Secondly, the City seeks to lure job-producing industries which might increase its tax base and employ its residents. This reverse sequence has been enabled by an automobile-dependent culture fueled by relatively cheap fuel, a factor now changing rapidly. When the City of Moreno Valley incorporated, the price of gasoline was about one quarter of the current price. Cheap fuel was an incentive for long-distance commuting, as was the

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relatively cheap housing in Moreno Valley (compared to housing near coastal job centers). The population of Moreno Valley grew rapidly, accompanied by imbalance in the tax base and associated sociological problems, such as proliferation of latch-key kids, juvenile delinquency, drug use, street crime, etc.

The jobs/housing imbalance in Moreno Valley is destined to continue as long as the coastal communities continue to offer higher wage jobs and higher cost housing. For every Moreno Valley commuter who chooses to give up a long commute for a local job, another worker is likely to take his/her place in the commuter queue.

Because most of the land in Moreno Valley is devoted to residential homes and retail businesses, options for locating major new job-producing industries are largely constrained to the city's undeveloped eastern outskirts. Although this land was long devoted to agricultural and pastoral activities, it was more recently zoned for residential housing, but the WLC proposal would convert much of it to industrial warehouses, thereby foreclosing other opportunities for housing and/or other industrial uses. This area lies farthest from access to the only major north-south transportation corridor (I-215) serving Moreno Valley. The only major east-west corridor (SR-60), although nearer the proposed WLC project site, is already at or near capacity and traffic is regularly backed up where the SR-60 and I-215 merge near the west end of Moreno Valley. Considering that the WLC project is projected to add several thousand daily truck trips to local traffic corridors, getting into or out of Moreno Valley and nearby communities could get much worse – a commuter's nightmare. Even without the WLC project, the traffic burden on these traffic routes is projected to increase. Whether truck traffic to/from the eastern portion of Moreno Valley moves on SR-60 or on surface streets, it must ultimately contribute to traffic congestion on one or both routes and to worsen the bottlenecks at the SR-60/I-215 and SR-60/SR-91 (in Riverside) interchanges. Trucks emanating from the WLC site and traveling east on SR-60 have a steep grade to surmount and will surely impede other vehicular traffic using that route. All-in-all, it seems illogical to place a major warehouse project in the area now proposed.

The WLC Project (if built out as planned) would be a major consumer of transportation capacity on most, if not all, roads leading into and out of Moreno Valley. The added traffic would compete directly with existing commercial and private commuter traffic, thereby substantially reducing the rate of traffic flow for current and future residents of Moreno Valley, as well as neighboring communities. The slower traffic will likely add measurably more pollutants to the already impaired air quality than would the same volume of traffic were the traffic flow rate to remain as it is currently. It is bad enough that the major portion of added traffic associated with the proposed WLC Project would consist of diesel trucks, a major source of health-debilitating exhaust components, but the amount of pollution they produce is greatly increased as they alternately brake and accelerate in stop-and-go traffic.

The diminished "quality of life", due to increased air pollution, related health issues, and traffic congestion expected to accompany the WLC project, may never come to pass because the warehouse complex may never meet economic expectations. Such warehouses would have to compete with existing facilities in the Ontario – San Bernardino area, which are better situated with respect to access to rail and highway transportation corridors. These facilities currently are reported to have around a

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20% vacancy rate, and competition for warehouse occupants will only become greater when the expanded Panama Canal is completed in the near future (2015 projected) and around 30% of the shipping volume currently off-loaded at West Coast ports is anticipated to sail on to East Coast ports. What then would be the use of over 40,000,000 sq-ft of under-utilized (maybe empty) warehouse space? If those facilities could not then be converted to viable economic uses, they will simply become a proverbial white elephant, although albatross might be a more appropriate metaphor.

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If the WLC Project is approved, in spite of the numerous associated environmental impacts, it is hoped that effective mitigation measures will be incorporated to reduce or eliminate those impacts. Considering that regional air quality is already impaired, all feasible measures should be taken to ensure that air quality will not be further degraded as a result of the WLC project. Several measures could mitigate traffic-related impacts. For example: 1) mandate construction of additional road capacity (sufficient to accommodate all project-related vehicle traffic), perhaps in the form of new traffic lanes dedicated to trucks, be added to SR-60 and I-215, including the SR-60/215 and SR-60/91 interchanges; 2) mandate that diesel trucks use only low-sulfur fuel, as an interim measure, and be expeditiously replaced with zero-emission vehicles; 3) mandate that on-site warehouse vehicles be all-electric. To the extent that environmental impacts cannot be fully eliminated, the project should be required to purchase local carbon emission credits and/or adopt other measures to offset regional air quality impacts.

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Other comments:

- 1) The WLC Project appears to claim over 1000 acres of public lands (owned in fee title by the State) at the northern limits of the San Jacinto Wildlife Area (SJWA) as a "conservation buffer". This is an egregious error, as the land in question belongs to the People of California and cannot be part of a private project. Nor can it be considered a "conservation buffer", as it is already conserved habitat, just the same as all other portions of the SJWA. Rather than serving as a buffer, this land is conserved habitat which needs to be buffered from incompatible adjoining land uses. And, to the extent that environmental values in the lands bordering the WLC project become degraded, appropriate mitigation(s) must be proposed. The concept of an open space buffer at the southern limits of the WLC Project is a good idea and would certainly help to reduce the impacts arising from proposed adjoining industrial uses; but such a buffer cannot be comprised of existing conserved habitat owned by the State of California. To claim the use of public lands as mitigation for an adjoining private project makes a farce of public acquisition of lands for parks, wildlife habitat, and other open space purposes; this would have state-wide repercussions and surely invite legal challenge.
- 2) The WLC Project needs to be redefined/designed to eliminate inclusion of public lands as any form of mitigation; the redefined project should include discussion of likely adverse impacts to the adjacent SJWA and specify appropriate mitigations. Additionally, the WLC project would displace much foraging habitat for raptors and other birds which inhabit and/or regularly overwinter in the Northern San Jacinto Valley. The EIR needs to identify these impacts and specify appropriate mitigation measures.

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- 3) This project has serious socio-economic implications for the City of Moreno Valley and the entire region. It deserves detailed analysis of likely environmental degradation for the region in general and specifically for the adjacent SJWA. The ecological functions, habitat values, and constituent natural communities (including several sensitive plant and animal species) of the SJWA are major assets of Riverside County's Multi-Species Habitat Conservation Plan (MSHCP). Degradation of these assets could risk the loss of permits (under auspices of the MSHCP) which allow for "take" of federally protected species elsewhere in western Riverside County, including the WLC project site. Additionally, the EIR needs to present an independent (of project proponents) assessment of project-related economic, mobility, and health issues. In its current form the DEIR does not provide sufficient and accurate information for public consideration and assessment of all likely environmental impacts and proposed mitigations.

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Sincerely,

Greg Ballmer, TCCL President

Tri-County Conservation League, Inc

P O Box 51127

Riverside, CA 92517

RESPONSES TO LETTER F-10

Tri-County Conservation League

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.

Response to Comment F-10-1. The commenter would like their comments included in the record. The City acknowledges the role of the commenter in the California Environmental Quality Act (CEQA) process, and has responded to their comments in this Final Environmental Impact Report (FEIR) document. They will be kept informed as to the progress of the CEQA processing of this project. The commenter's comments will be included in the public record on the document and are contained in FEIR Volume 1.

Response to Comment F-10-2. The commenter wonders if the benefits of the project outweigh its environmental impacts. All of the comments provided by the commenter, plus many similar comments provided by others, have been responded to in this FEIR document (Volume 1). The revised fiscal assessment for the project (DTA 2014, FEIR Volume 2, Appendix O) also addresses the projected benefits of the project over time. The Draft Environmental Impact Report (DEIR) and FEIR provide extensive analysis regarding potential impacts of the project, some that remain significant even after implementation of recommended mitigation. All of the comments and responses will be reviewed by the City Council prior to making a decision on this project.

Response to Comment F-10-3. The commenter states the City's tax base is insufficient to support itself. The revised fiscal assessment for the project (DTA 2014, FEIR Volume 2, Appendix O-1) addresses the projected costs and benefits of the project over time, and its influence on the City in terms of additional revenues and employment and concludes the WLC project will generate 5.7 million in surplus revenues (i.e., revenues minus costs)(DTA 2014, FEIR Volume 2, Appendix O-1).

Response to Comment F-10-4. The commenter outlines a view of the City's history regarding housing, job growth, and commuting on freeways, but does not make any specific comments on the

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

EIR or the WLC project. This comment sets the stage for later conclusions regarding housing and employment.

Response to Comment F-10-5. This comment states the project would convert land to industrial warehouses, thereby foreclosing other opportunities for housing and/or industrial uses. The commenter states the World Logistics Center (WLC) is far from Moreno Valley's only north-south corridor (I-215) and that the SR-60 is congested and will be worse with the project. The commenter opines that "*it seems illogical to place a major warehouse project in the area now proposed.*"

The previous paragraphs of the same comment letter (Responses to Comments F-10-3 and F-10-4) discuss the jobs/housing imbalance in Moreno Valley and the problems associated with long-distance commuting. Additional housing development would further exacerbate the jobs/housing imbalance in the City, but it is unclear what point the commenter is trying to make about one proposed industrial use eliminating opportunities for some other possible industrial use. In any case, the Moreno Highlands Specific Plan, which included housing and business park uses for the WLC site, was approved for development more than 20 years ago but no one built any houses or buildings based on that plan. This implies that other things, such as market viability, are what actually prevented development or other land use opportunities, not the WLC.

Regarding the project's access to the freeway system, the project is directly adjacent to SR-60 which is a major east-west corridor for freight movement. There is no need for a warehouse to be sited adjacent to more than one freeway so long as they have connections to other freeways (including I-215). The map of existing occupied warehouse, taken from SCAG's study entitled *Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities*, shows that the vast majority of warehouses are located near a single freeway, if for no other reason than that there are not sufficient locations near two freeways to meet the demand, especially since such sites are desirable for retail uses.

Furthermore, Figures 30 and 31 of the project TIA show that the WLC project will encourage reverse commuting and so reduce peak-direction auto demand on SR-60. Congestion on SR-60 stems from the problem of long commutes caused by jobs being located in urban cores while housing spreads out to suburbs and exurbs. Moreno Valley, which has one of the lowest jobs-to-housing ratios in the six-county SCAG region, is an extreme example of this problem. A large majority (70%) of Moreno Valley workers commute to jobs outside the city, and many commute long distances far outside the city. According to the U.S. Census Bureau, 20.2% of Moreno Valley workers commute more than 50 miles one way to work, and another 22.2% drive 25 to 50 miles one way (U.S. Census Bureau. 2013. OnTheMap Application. Longitudinal-Employer Household Dynamics Program. <http://onthemap.ces.census.gov/>). It is reasonable to expect that if 20,000 jobs, closely matching the skill set of the Moreno Valley labor force, were to become available in Moreno Valley that many residents of the city would take up those jobs in lieu of working at more distant locations, thus reducing the amount of long-distance commuting.

The topic areas covered in the comment have been addressed in the TIA. The jobs/housing topic is further discussed in Chapter 4, Section D and Response to Comment F-3-12. The traffic impacts of the project are fully addressed in the TIA, including the study area thresholds used to determine the freeway segments requiring further evaluation.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

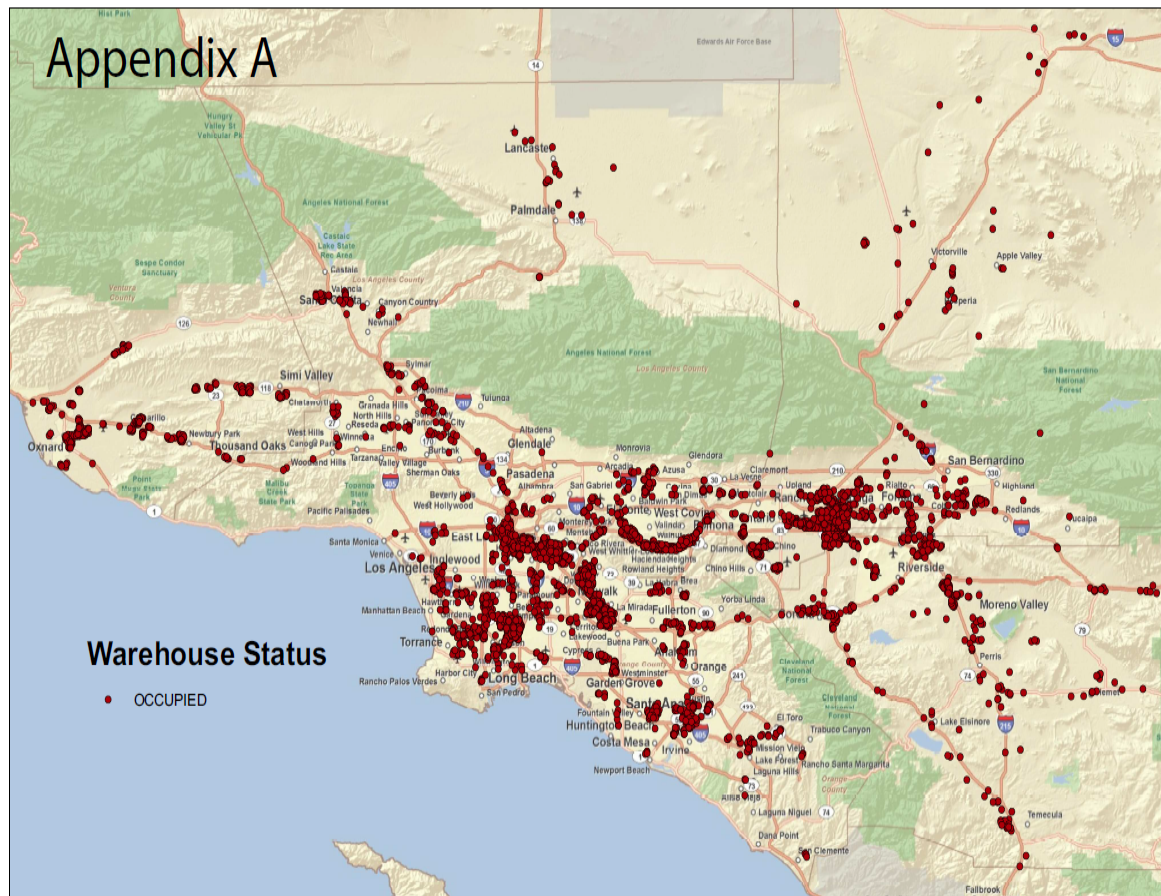


Exhibit F-10-1: Existing Occupied Warehouses in the SCAG Region

Response to Comment F-10-6. The commenter states the WLC project would cause congestion on all area roadways and produce substantial air pollutants including diesel exhaust. The project TIA identifies those area roadways which will be most affected by project traffic, however, it must be remembered truck traffic from the project must use established truck routes within the City, although passenger vehicles from project employees will utilize many City streets (which are outlined in the project TIA and DEIR Section 4.15, Traffic and Circulation. The project TIA and air quality studies were revised from those used to prepare the DEIR, mainly in response to the comments on the DEIR (refer to FEIR Volume 2, Appendices L (traffic) and Appendix D (air quality). The commenter is encouraged to read those revised reports and the revised traffic and air quality sections plus modified mitigation measures in FEIR Volume 2.

Response to Comment F-10-7. The commenter questioned whether there will be sufficient demand for the 41 million square feet of logistics facilities to be constructed in the proposed project. According to commenter:

"Such warehouses would have to compete with existing facilities in the Ontario – San Bernardino area, which are better situated with respect to access to rail and highway transportation corridors. These facilities currently are reported to have around a 20% vacancy rate, and competition for warehouse occupants will only become greater when the expanded Panama Canal is completed in the near future (2015 projected) and around 30% of the shipping volume currently off-loaded at West Coast ports is anticipated to sail on to East Coast ports. What then would be the use of over

40,600,000 square feet of under-utilized (maybe empty) warehouse space? If those facilities could not then be converted to viable economic uses, they will simply become a proverbial white elephant, although albatross might be a more appropriate metaphor."

While the future of the California economy is certain to have its peaks and valleys, with the 2008-2012 period representing an extreme example of the latter, both the short-term and long-term prognostications regarding logistics uses both throughout the United States and in the Inland Empire are very positive, as reflected below.

1. Commenter's claim that warehouse facilities in the Ontario-San Bernardino area are experiencing a 20% vacancy rate is factually incorrect.

While the commenter unfortunately does not provide any source documents within which their alleged 20% vacancy rate is stated, the latest Casden Industrial & Office Forecast Report, released by the University of Southern California at the end of 2012 (Exhibit L), directly contradicts this figure. The report, which analyses the vacancy rates for five sub-markets within the Inland Empire (Riverside, San Bernardino, Ontario Airport, West County, and South County), states that "for the third year in a row, the Inland Empire industrial market showed significant improvement in demand. From Quarter (Q)3 2011 to Q3 2012, the area logged 9.4 million square feet of positive net absorption, bringing the total net absorption since Q1 2009 to nearly 40 million square feet. The vacancy rate subsequently fell another 1.7 percentage points to 4.9 percent." With a clear demand for industrial space, the project will answer a growing need within the County. Higher demand has dovetailed into higher revenues. The report further states "area-wide average asking rents rose for the second year in a row, climbing 6.1 percent to \$0.35 per square foot. These rents are largely driven by changes in demand for warehouse space, which accounts for 86 percent of the industrial stock."

2. Commenter's claim that 30% of the shipping volume currently off-loaded at West Coast ports is anticipated to sail on to East Coast ports as a result of the expansion of the Panama Canal is purely conjecture at this point, and minimizes the impacts of the many other growing sources of demand for warehouse facilities in the Inland Empire.

First, with the overall need for logistics facilities in the United States expanding rapidly, it is more than likely that both East Coast and West Coast ports will find themselves impacted by increasing demand. According to a 2010 study prepared by National Association of Industrial and Office Properties (NAIOP) entitled "Logistics Trends and Specific Industries that Will Drive Warehouse and Distribution Growth and Demand for Space," the overall shipment of goods in the United States grew by 30% in value and 13% in tonnage between 1997 and 2007 (Exhibit B). NAIOP goes on to say that:

"Forecasts for employment in the logistics sector indicate a need for about 700 million square feet of warehouse and distribution space during the next decade on top of new construction for normal replacement, which averaged 300 million square feet per year from 1990-2003. If that trend continues, then a total of approximately 3.5 – 4 billion square feet of new construction will be needed during the next decade." (page 7, Exhibit B)

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. The attractiveness of the Inland Empire for these purposes can be confirmed by looking at the growth which it has experienced in recent years. 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. Logistics has also accounted for an increasing share of the Inland Empire's economy. In 2001, transportation and warehousing was responsible for only 4.9% of the

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

Inland Empire's total output. By 2011, the contribution of the industry grew to 6.1% of total output. New national truck-driver restrictions are expected to increase the rate of growth, as since July 1, 2013, all truck drivers throughout the United States have been restricted to 11 hours of driving per day and a total weekly limit of 60 or 70 hours rather than the previous limit of 82 hours. As a result, goods being shipped to California customers will need to be stored closer to these customers, with the Inland Empire serving as a prime location.

Second, the uses for logistics facilities are expanding rapidly with the advent of E-Commerce. The need for brick and mortar retail buildings is decreasing, as Internet retailers such as Amazon and mainstream retailers such as Nordstrom's and Macy's now ship goods directly from warehouses, completely bypassing the traditional stores and shopping centers which until recently dominated the retail markets. The advent of fulfillment centers throughout the Inland Empire and Central Valley in recent years is a perfect example of this trend. U.S. retail e-commerce sales grew by 700% between 2000 and 2011, and at its current growth rate will double its 2011 sales by 2016. A 2012 Study prepared by Deloitte Research projects that within five years, the current percentage of sales made at brick and mortar stores versus online and mail order shopping will drop from 91 percent to 76 percent, clearly adding to the need for more logistics facilities. While it is always difficult to pinpoint future trends, the current outlook for logistics development in the Inland Empire is as strong, if not stronger, than any other segment of the economy.

Third, should legislation currently being considered by Congress eventually become law, sales taxes will be charged on all future Internet sales. To the extent that the point of sale is considered to be the warehouse to which the orders flow and at which the inventory is located prior to delivery to the customer, the City of Moreno Valley could become the beneficiary of an annual windfall in sales taxes that are currently paid to the coastal communities in which brick and mortar stores are presently located.

Fourth, it must be recognized that the Panama Canal is currently operating at full capacity, limited by its system of artificial lakes, channels, and locks that were initially constructed in 1914. The Canal Expansion was proposed and fast-tracked because a sizeable portion of today's containerships are simply too large for the canal and because the fact that it's currently operating at capacity means that delays and bottlenecks occur frequently and are very costly. Some of the anticipated expansion will come from customers who currently don't use Southern California ports but will access the Panama Canal once its capacity has been increased.

Fifth, it is really uncertain how much business the Ports of Los Angeles and Long Beach will lose to the Panama Canal. The U.S. Army Corps of Engineers ("USACE") notes in its white paper entitled "The Implications of Panama Canal Expansion to U.S. Ports and Coastal Navigation Economic Analysis (December 2008) (Exhibit M)," that:

"Despite all the congestion, the Ports of Los Angeles/Long Beach (LA/LB) have always managed to accommodate ever more volumes of cargo through productivity improvements, optimizing terminal space, daytime surcharges, medallions, and acquiring new landfills. According to the Port of Long Beach's Master Plan, if year 2020 trade volumes reach the high end of their forecast, the Port of Long Beach will acquire 450 acres of landfills which will support additional cargo handling facilities. LA/LB processed a combined 15 million (twenty-foot equivalent unit TEUs) in 2007, accounting for 40% of all freight entering the US, including 80% of imports from Asia." (page 16, Exhibit M)

Finally, Asian importers and exporters utilizing the Panama Canal will find that it will take longer to get their goods to market. The United States Department of Agriculture (USDA), in its "Impact of Panama Canal Expansion on the U.S. Intermodal System" (January 2010) (Exhibit N), states that the fastest way to get cargo from China to the U.S. East Coast will still be a combination of ship and rail, both of

which will play a role in all of this. According to the USDA, it takes 12.3 days for a ship to go from China to the U.S. West Coast and 6 days for rail transport from the West Coast to the East Coast – a total of 18.3 days. For this reason, 75% of Asian imports go this way. Only 20% go through the Panama Canal because it takes nearly 20% longer, at 21.6 days. The rest goes through the Suez Canal directly to the U.S. East Coast, which takes 21 days.

Moreover, as further expanded upon in *The Implications of Panama Canal Expansion to U.S. Ports and Coastal Navigation Economic Analysis*, most US East ports will not have the capacity or the depths to accommodate the amount of [post-expansion] vessels (Exhibit M).

3. **Comments regarding the likelihood of 40,000,000 square feet of under-utilized (maybe empty) warehouse space constituting a "white elephant" or "albatross" within the City reflect a lack of understanding of the economics of warehouse development, particularly after the recent Great Recession.**

While economies ebb and flow, and the demand for logistics space can be anticipated to follow that same pattern, the proposed logistics buildings themselves will not be constructed until a point in time at which there is sufficient demand for their space. Warehouse buildings will not be built "on spec" and then sit vacant for years. They will either be built and owned by the ultimate users of the buildings, or built by investors in situations where the buildings themselves are either pre-leased or in a market where demand levels are high enough that the buildings are very likely to be leased upon completion. Investors and lenders have had sufficient experience over the past few years to not move forward with the construction of logistics buildings that will sit empty upon completion. The idea that 40.4 million square feet of logistics space will be constructed prior to the existence of sufficient demand is completely unrealistic.

Response to Comment F-10-8. See Response to Comment D-2-3.

Response to Comment F-10-9. The commenter completely misstates the DEIR's description of the 910 acres of the project at the southerly edge of the project. DEIR Section 3.4.1 "Project Description" clearly defines this area as owned by the State of California as part of the San Jacinto Wildlife Area (SJWA). The area is included in the project in order to amend the City's General Plan and zoning to correctly designate it for "open space" uses. The project does not propose to use the property for mitigation of any sort. It is defined in Section 3.1 of the DEIR as the "CDFW Conservation Buffer Area" for identification purposes.

The property remains within the boundary of the City of Moreno Valley and is included in its General Plan and zoning ordinance. The land is presently designated for mixed use development under the existing Moreno Highlands Specific Plan. This project proposes to change that designation to "open space," consistent with the current and proposed use of the property.

The State acquired this acreage in 2001. The minutes from the May 18, 2001 meeting of the Wildlife Conservation Board state in part, "*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...*" At the time of the purchase, the development of the adjacent property for urban uses was permitted by the City's General Plan and zoning and was protected by a Development Agreement. The future development of the immediately adjacent property was understood at the time the State acquired the property and the acquisition was intended to, among other things, serve as a buffer to that future development.

Response to Comment F-10-10. The WLC Specific Plan (SP) does not include any public lands, including any portion of the SJWA, as a form of mitigation. The DEIR has analyzed the impact of the development that will take place as part of the 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

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

State is being rezoned to “open space.” It is CDFW land acquired as a buffer (and for other reasons as well), between the high quality SJWA habitat and any proposed development to the north. Calling it the CDFW buffer is not inaccurate or misleading.

The General Plan Amendment provides for the designation of the CDFW and portions of the San Diego Gas and Electric (SDG&E) lands as permanent open space. Leaving the General Plan as currently stated would allow for development of residences across all of the WLCSP as well as the CDFW and SDG&E lands. This would have a greater potential impact on species of the region. The WLC project does not “take credit” for re-zoning this area as open space. The current zoning for the property is a mix of residential, public, and open space designations that need to be removed since those uses are no longer planned and will never be developed.

The CDFW land has been incorporated into the SJWA following a sale the subject lands to the State in 2001. The May 18, 2001 Wildlife Conservation Board Agenda (page 43) recommended that 5 separate parcels totaling approximately 1,000 acres (910 acres of which were part of the Moreno Highland Specific Plan) be purchased as expansions of the California Department of Fish and Game’s San Jacinto Wildlife Area. *“Acquisitions of the proposed expansions will allow for the protection of a portion of Mystic Lake and its associated upland habitat which is important to a number of sensitive plant and animal species.”* There will be no direct impacts to any portion of the SJWA as part of the WLCSP and no mitigation measures are required.

The loss of low-quality raptor foraging habitat is not considered a significant impact. The limited prey-based and disturbed nature of the habitat provides low-quality raptor foraging habitat for a few common raptor species such as red-tailed hawk, American kestrel, and white-tailed kite. Since white-tailed kite is a fully protected species, any impact to this species is considered a significant impact. This species is covered under the MSHCP and payment of the MSHCP development fee will be used to purchase off-site lands that would provide high-quality foraging habitat and provide for the long-term conservation of this species. The payment of the MSHCP development fee will reduce the impacts to white-tailed kite to a less than significant level.

The WLCSP is a significant development within the eastern portion of the City of Moreno Valley. Development was anticipated and is included in the General Plan and zoned as residential development. The loss of 2,610 acres of disked agricultural lands will not have a significant impact on any sensitive plant and/or wildlife species. The loss of or impacts to any portion of a MSHCP Core Conservation Areas is a potentially significant impact, which may affect the long-term conservation goals of the MSHCP. Based the proposed WLCSP October 2013, indirect impacts associated with light, noise, air quality, and water quality will require mitigation measures that are outlined in the appropriate sections of the DEIR. These measures will reduce the indirect impacts to less than significant levels.

Response to Comment F-10-11. The commenter states the EIR needs to present independent information on project mobility, economic, and health impacts. The DEIR, the revised technical studies, and the revised DEIR (FEIR Volume 2) provide sufficient objective and independent information on the potential impacts of the proposed WLC project. In addition the City hired an independent reviewer to review the EIR and technical studies and is of the opinion the EIR represents the independent judgment of the City as CEQA Lead Agency.

Letter F-11: Sierra Club, San Gorgonio Chapter (April 8, 2013) and Appendices 1-21 (On Flash Drive)



RECEIVED

APR 08 2013

CITY OF MORENO VALLEY
Planning Division

Letter F-11

SAN GORGONIO CHAPTER

Mark Gross
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Dear Mr. Gross:

April 8, 2013

Re: Draft EIR for the World Logistic Center (WLC)

The Sierra Club appreciates this opportunity to comment on the World Logistic Center's (WLC) Draft EIR. We have several concerns and questions we want addressed in the Final Environmental Impact Report (FEIR) which we believe were not fully addresses in the Draft EIR. We were disappointed that we did not find the answers we were looking for in the DEIR and therefore are resubmitting much of our Notice Of Preparation (NOP) comments as part of these DEIR comments. These concerns can be read below and we expect this project to do everything possible to eliminate and mitigate these problems in our non-attainment area.

During attendance at the NOP meeting, the Sierra Club noticed that more needed to be done. The Skechers NOP meeting also had more than 30 in attendance, and this project is just as divisive. You had less than a dozen NOP handouts. When you were notified that significantly more were needed, they were not forthcoming. Therefore, at least 80% of those in attendance did not have what little information you provided during the meeting. Arriving early, I was able to obtain one of the few documents, and on the backside of the cover page, it reads "at this meeting, agencies, organizations, and members of the public will be provided a brief presentation on the project and will be able to review the proposed project ..." Most people were not able to review the project, and I would be surprised if all had access to a computer or even know the NOP document was available somewhere online.

Environmental justice requires informed "public participation." What is described above does not qualify. Moreno Valley's population is more than 54% persons of Latino/Hispanic origin, according to the 2010 census. How can you truly have public participation without all documents related to the World Logistic Center (WLC) available in both English and Spanish? The same is true for all meetings. There must be enough headsets and interpreters for everyone to know what is said at all meetings related to the WLC by everyone else. In the Kettleman City case, the California Superior Court ruled, "meaningful involvement in the CEQA process was effectively precluded by the absence of Spanish translations."

1st of 117 pages

The Sierra Club strongly recommends that you begin the NOP process anew because the City's failure to translate crucial documents and meetings has effectively excluded many residents from exercising their statutory right to participate in the decision-making process. The Sierra Club also expects all documents related to the WLC to avoid highly technical language and to make them comprehensible to the average Moreno Valley resident. The Draft EIR was also only in English and most people would have needed a computer to have a viable chance to read it after working all day. How could you have made it more accessible to our population? Since the Sierra Club believes the WLC's DEIR is inadequate and needs to be revised and reissued, maybe you will have a chance to do right by those who would like to comment, but have been excluded by past practices.

4

The DEIR mentions many road segments that will need noise mitigation as a result of the WLC. As mentioned later in this letter the need for six foot sound walls are recommended for some homes which are some distance away from the project site such as along Moreno Beach Drive north of Ironwood Ave. In some cases they have to tear down existing walls and replace them. All of these residents impacted by significant noise levels caused by the WLC needed to be mailed notices of the Draft EIR and told of the comment period. This points out another reason why the NOP and DEIR both need to be properly noticed and recirculated.

5

The Sierra Club also believes the NOP document provided to the public did not have enough information and was misleading. The information did not "provide sufficient information describing the project and the potential environmental effects to enable responsible agencies to make a meaningful response. At a minimum, the information shall include: (c) Probable environmental effects of the project" (CA Code of Regulation EIR Process Section 15082). The project description was also misleading and inadequate.

6

The NOP the City provided did not address potential environmental impacts or even easily understood location and number of homes that will be impacted. Your map of open space is misleading. The maps on Pages 5 and 6, as well as Page 7, give the impression that existing Department of Fish and Game (DFG) lands, as well as those of San Diego Gas & Electric, are part of the project and, therefore, the project description is not accurate for NOP commenters. Those DFG lands are part of the San Jacinto Wildlife Area (SJWA), which is a cornerstone of the Riverside County Multi-Species Plan, and the NOP failed to mention any potential environmental impacts to these significant lands for the NOP commenters. Potential impacts to our two-lane SR 60 should have been mentioned, similar to the concerns expressed by the executive director of the Southern California Association of Governments: " 'You are talking about a huge amount of warehousing, and you don't have the infrastructure to support that,' Ikhrrata said." (Press-Enterprise, 3-10-2012) The FEIR needs to address these comments by Mr Ikhrrata.

7

For all of the above reasons, the Sierra Club strongly believes that the WLC NOP process needs to be improved, then recirculated to all agencies and organizations, as well as to members of the public. We also believe that for such a large and regionally significant project that all interested parties need more than 30 days. Since you failed to do this, the entire process is now flawed. As stated earlier the Sierra Club believes the DEIR needs to be reissued, after resolving its

8

inadequacies, and therefore believes the project should begin from the beginning with a proper NOP.

8

The WLC is displacing – not replacing – 7,700 housing units that were part of the 20-year-old unbuilt Moreno Highlands project and are still shown on the Moreno Valley General Plan as part of our fair share of the region’s housing stock. The DEIR and any General Plan amendments for the project must show the alternative placement for these houses in Moreno Valley. The DEIR must include these displaced units in the air quality and traffic analysis as well as all other impacts analyzed, or the document will be inadequate. In the DEIR you indicate that this is not true because you have revised the housing plan several years ago. You indicate the concerns raised in this paragraph “was largely addressed in the updated (2011) Housing Element”. (p 4.13-5) The Final EIR must explain why it was only “largely” addressed and not “totally” addressed. That which was not addressed needs to be added to the impacts caused by the WLC as mentioned above. The fact that this revision was completed prior to the end of the Moreno Highland’s Development Agreement brings up the issue of predetermined outcome for the WLC. You cannot just say that you just did not think the Moreno Highlands project was going to be built. The Moreno Highland Project was not only for 7,700 homes, but also for 21,000 permanent jobs, which also included the right to build many millions of square feet of warehousing. The City bought into the vision of the WLC developer when he talked about the “Logistic Modified General Plan” well before the updated (2011) Housing Element and helped him by removing obstacles that could make it more difficult getting the development approved.

9

The DEIR must have a traffic analysis of Moreno Valley’s city streets and, probably at a minimum, those of neighboring cities where there is a blockage on SR 60 at any point between the Santa Ana River and the city of Banning. The traffic analysis needs to show what happens at each off-ramp/city streets between these two points where a semi-truck caused a freeway-closing accident, or the DEIR will be inadequate. Gilman Springs Road is a two-lane death trap. What improvements will be made to this road to make it safer? Will the improvements be made all the way to highway 79 or to Bridge Street? When will those improvements be made? Redlands Blvd and the San Timoteo Canyon roads are no better. Since these dangerous roadways are the alternative routes when SR 60 is closed in the badlands, what will be done to more safely allow the many thousands of trucks the WLC will attract to use these winding two lane roads that are popular with commuters. Figure 4.15.2 (Study Intersection Locations) has those intersections, limited to those which you studied, “at which the proposed project would add 50 or more peak hour trips.” Since it is only at least 50 one does not know if perhaps it is 500 or more peak hour trips. The FEIR will be inadequate if it does not explain how the roadways between all the intersections indicated with a bullet point in Figure 4.15.2 will be improved to handle the increased traffic generated by the WLC and the responsibility of the project towards those improvements. For example how will you mitigate the many intersection the WLC impacts in the City of Perris? The FEIR needs to name each of those intersections and what will be done with each and how will the WLC help with the ultimate improvements. What will be the LOS at those Perris indicated intersections before and after the improvements with the addition of the WLC as well as cumulative traffic? This needs to be done at all intersections and road segments between them indicated on Figure 4.15.2 for the FEIR to provide the level of information needed/required for both the decision makers and the public or the document will be inadequate. The Figure also indicates several intersections on the south side of the City of Redlands will be

10

impacted, but does not explain how the traffic is dispersed in the City or travels through the City to get to the indicated intersection. This must be done in the FEIR for not only the City of Redlands, but also for the Cities of Perris, Riverside, San Jacinto, Beaumont and of course the City of Moreno Valley. You cannot just say you pay your fair share of fees and be done with it.

10

Immediately below are two sections copied from the noise section of the WLC's DEIR that proves trucks are planning to use Moreno Beach to Reche Canyon Road and/or visa/versa. The section of Reche Canyon Road between Moreno Beach and Reche Vista Drive is mainly a narrow dirt road. Even the section of Reche Canyon Road between Reche Vista Drive and I-215 or I-10 is mainly several miles of narrow, winding two-lane road with many driveways and smaller roads intersecting it. The Sierra Club is concerned that the WLC is using this unimproved and inappropriate route to make it appear that SR-60 will not have to handle these trucks. While the Riverside County Transportation Commission would like to make this a major roadway as indicated on their maps, there is no proof that such will ever happen. I do not see guarantees for these improvements written anywhere. The WLC's FEIR must assume the Reche Canyon Road connection between Moreno Beach and Reche Vista Drive will never be made to handle any traffic and especially diesel trucks. Is the WLC going to make the necessary improvements to the Reche Canyon Road or just pay the normal developer transportation impact fees that can be used in many different places? The Traffic Impact Analysis in the FEIR must show the traffic projected for the Moreno Beach/Reche Canyon Road directed elsewhere or the document would be inadequate.

11

Locust Avenue between Moreno Beach Drive and Smiley Boulevard (54). Only the 2035 case results in a significant noise increase for this area. In 2035 the project will result in a 3.5 dB increase raising the noise level up to 68.9 CNEL. There are three single-family homes along this roadway and they front onto the roadway. As discussed above, homes that front onto a street cannot be effectively mitigated with a soundwall. *Therefore, this potentially significant impact feasibly cannot be mitigated.*

12

Moreno Beach Drive between Locust Avenue and Ironwood Avenue (56). Only the 2035 case results in a significant noise increase for this area. In 2035 the project will result in a 3.3 dB increase raising the noise level up to 66.6 CNEL. There are 18 single-family homes along this roadway. Some homes front onto the roadway, but most backup to the roadway. Currently there are no soundwalls along these homes. The walls would need to be 6 feet tall with respect to the rear yard. Roughly 2,000 feet of six-foot tall barrier would need to be provided for mitigation for 15 of the 18 impacted homes (Exhibit 18). With the retrofit the noise levels would drop at least 5 dB, with the resultant noise levels around 62 CNEL in rear yard areas. Approximately 3 homes would remain unmitigated, because these homes front onto Moreno Beach.

13

Pages 34-70 of Appendix K on noise analysis list more than 35 road segments that will experience significant noise impacts as a result of the WLC warehouse project's mainly truck traffic. There is discussion of mitigating the noise with six foot sound walls as is done in the above two paragraphs. There is, however, no discussion of mitigating the toxic diesel pollution that will easily make its way over any six-foot sound walls and into the yards and homes and lungs of nearby residents. The Final EIR will be inadequate unless it produces data showing all

14

the ways—physical and mental—these residents health will be impacted by living on one of these road segments which will be carrying WLC truck traffic. The FEIR must show what will be done to mitigate this toxic diesel pollution along these road segments and produce the data to prove its effectiveness. Requiring 2010 trucks is not going to be good enough when you consider that Moreno Valley is approving so many warehouse projects that we are inviting almost 30,000 into our community. The most current and best technology must be required on all trucks used within the WLC Specific Plan.

14

The noise impacts to residents show traffic patterns and roadway usage. These roads will suffer significant damage from trucks and our City does very little to repair roads. Will the WLC Center do more than pay property taxes beyond their build out years to repair these roadways? If not then the damage done to resident's cars and repair costs need to be factored into the economic analysis.

15

The same is true for those homes that were put into the WLC's Specific Plan Area against their wishes and will suffer significant diesel, noise, vibration, light and possible drainage pollution as a result. The FEIR must show what physical and mental impact these residents will potentially suffer as a result of the build out and operation of the WLC. What will protect them from the dust, noise and vibration during the grading of the project site? The FEIR needs to fully explain how you can subject these people to significant health impacts—physical and mental—in order to allow a developer to make money. Some of these people have lived in their home for more than 30 years and have now retired with the hope of spending their remaining years in the home in which they raised their family. . The residents of the seven homes who were forced into the Specific Plan must be given more than the knowledge that nothing can or will be done to protect them from all the health impacts of the WLC. This also includes the aesthetics of having to live near 41,600,000 sq ft of warehousing. What protection will be provided to those who live near D Street? What health and noise impacts can those who live in the old section of town called Moreno expect from the traffic of the WLC? In the attachments to this letter are several articles on the health impact of diesel and some with the recommendation that sensitive receptors must be 500 meters or 1,600 feet away from a project like the WLC or roadways with significant diesel truck activity. The FEIR needs to explain everything being done to protect these families when you are not providing a 500-meter buffer. Will the developer and/or the City buy them out at the highest residential or industrial usage of their home? Which would be higher? Will their homes decrease in value as a residential home if the WLC is approved? If this happens, who is responsible for making up the loss value? Why has the new uses available to these seven residents for there lands been restricted by the city when compared to the same zoning elsewhere in our city? Does the City consider this a takings and if not why not?

16

17

What proof is in the environmental documents to prove that these sound walls are effective for people taller than six feet like myself? The Sierra Club expects to see data in the in the FEIR that shows the six-foot sound walls will significantly lower the decibels for people who are above 6 foot 3 inches the same as those who are 5 foot 9 inches. If this cannot be done, then more needs to be done to reduce sound levels and relying on future improvements is not satisfactory. Data needs to be given for the effectiveness of any improved noise reduction solutions that will be implemented. All of these noise impacted neighborhoods need to have

18

several noise monitoring equipments installed and kept in operating conditions for the life of the project. The results need to be part of the public record and read by the City. What will the WLC or their successors in interest do if it is shown that these noises and other health related impacts are damaging the lives of those inflicted? The WLC will be the largest contributor of these impacts that impair the health of our residents.

18

"Noise generated by SCG blow down events has the potential to cause permanent hearing loss in persons in the developed area of the project" (page 16 SDG&E and SCG Mestre Greve Associates in appendices). I did not see the analysis and numbers for single event noise caused by these blow-downs. The FEIR must include this analysis. These blow downs can happen any time and last for 90 minutes. This noise would impact almost half of the Specific Plan including the support facility. The referenced impact analysis was done "to ensure worker safety" and "all mitigations measures imposed in the analysis are the responsibility of future developers and not the Gas Company." (Page 1) Since infrastructure work will probably be put in place prior to the building of warehousing, the FEIR needs to show how these infrastructure workers hearing will be protected from these unpredictable blow downs if future warehousing is going to pay for all mitigation measures. The recommended silencer system for mitigation was only paper researched. The Industrial Acoustic Company literature "determined that a silencer system installed on the blow-down equipment could reduce noise levels by 40 dB." The word is "could" and not "will". The System must be required to be installed and tested several times before any work is done within the southern half of the WLC. Noise monitoring equipment needs to be installed at several locations to make sure the equipment continues to work as intended throughout the life of the project with the City reading the data. Figure 4.12.2 shows a need to have more monitoring locations to protect existing residents and ones that will remain in place well beyond build out of the WLC with the data available to the public. Since many warehouse workers, grounds maintenance, security and truckers work outside the walls of the warehouses, how will they be protected from these unpredictable blow-down events which could damage their hearing?

19

The FEIR must have a Health Impact Report to cover all aspects of this projects negative impact on residents and workers in and around Moreno Valley. This Health Impact Report must be one the project produces specifically about the WLC and not something borrowed from other sources. Many of the pages following my signature will have articles about the health impacts of diesel. The Sierra Club will expect those article printed in the Final EIR along with this letter. The decision makers and the public have a right to read them prior to any future public hearings.

20

"Is growth of the logistics industry worth the cost? We are not able to truly answer this question, because it is possible that the increased economic output could exceed the health costs associated with the expansion. We know, though, that major reasons logistic industry growth has been welcomed to bring jobs to the eastern Inland Empire. These jobs on average pay \$36,000 per year, but we find out that local health costs per year per job are likely to be at least half that value. Perhaps more to the point, it should be asked whether the logistics industry itself would be willing to pay full external costs of it actions. For example, would each facility be willing to pay a charge of \$5 to \$9 million per year to cover heath costs it is estimated to impose on the community? We are not in a position to say yea or nay, but economic efficiency dictates that mechanisms should be put in place so those enjoying the benefits of logistics industry growth

21

also pay the full costs – including external health costs – of their actions.” (Page 16 of this link and attached

http://www.pdx.edu/sites/www.pdx.edu.econ/files/bluff_warehouses_and_trucks.pdf

Warehouses, Trucks and PM2.5: Human Health and Logistics Industry Growth in the Eastern Inland Empire)

When you revise your economic analysis of the WLC you must address the health cost issues found in the above paragraph or it will not be valid. How will the warehouse projects within the WLC pay for their fair share of the area's health costs – especially of their workers?

Since the majority of warehouses have peak times during the year—such as getting ready for school opening and the holiday season—the traffic analysis as well as all others such Air Quality/ Greenhouse Gas must be done to show the worst case scenario possible. Your DEIR traffic analysis does not do justice to the peak times of most warehouses such as before the opening of school and the winter holidays. This problem must be rectified in the FEIR and also the updating of all the traffic information from that of 2011 to 2013 or it will be inadequate.

Moreno Valley's proposed 41,600,000 sq ft World Logistic Center (WLC) warehouse project will have significant impacts to not only our City but also throughout the Inland Empire. Two figures point out the increase in health risks and also some of the traffic patterns.

They are the "No Project Cancer Risk" and "With Project Cancer Risk". They can be found in the Draft EIR as Figures 4.3.9 and 4.3.10. They are also found below, but the numbers would be a little clearer if you read them from the documents themselves.

Please put the two below figures side by side and begin comparing.

For example in the first, the Moreno Valley area around Lake Perris is not impacted, but the second encompasses much of that area and the lake as well as much of the San Jacinto Wildlife Area. In the first, I-10 west of San Bernardino is not impacted but in the second it is as is highway 79. The second figure shows significant impacts caused by WLC truck pollution to areas north, south, east and west of the City of San Bernardino as well as north, south, east, and west of the City of Riverside. Increase impacts all along SR 91 to Corona can be seen and north through Riverside. Increase in cancer

pollution impacts and therefore truck increases on the I-215 from the south in Menifee to north of the I-210 can be seen as a result of the WLC build out. Impact to SR-60 shown on the second figure seem to be artificially cut off and would indicate that the impacts extend further both to the west and to the east. At the very least the impact would extend to Chino on SR-60 but should extend to at least Diamond bar if the cancer pollution analysis was not arbitrarily cut off. The impacts along SR-60/I-10 heading east to the Palm Springs area is again artificially cut off. The traffic impacts along this entire stretch of SR-60/I-10 need to be studied because the pollution from the trucks shows that the WLC is impacting all of these roadways. In fact highways 79, 111, and 62 are impacted by the WLC truck pollution and need to be added to the traffic analysis. Again the cancer pollution shading and contours are artificially cut off as you move west along the I-10 and the City of Pomona should be included which means the WLC traffic impact need to be studied along the I-10 route to the project site. The same is true for SR-91 beyond Corona. Since these cancer risk pollution figures show the far-reaching impacts of the traffic generated by the building of the WLC throughout and beyond the Inland Empire, it is imperative that the FEIR analyze these traffic impacts along all these highways that are shown to be impacted by the WLC or the FEIR will be inadequate.

23

I noticed that the following cities as well as others are now included in the second (With Project Cancer Risk) and/or have the blue area extended further into their borders as well as having the contour cancer numbers increase. This is because the highways near these cities have trucks going to or leaving the WLC. Without the WLC the residents in these cities would have a much healthier environment in which to live. What will be done during the more than 20-year build out of the WLC to protect the residents in and around these cities?

Banning

Beaumont
Loma Linda
Redlands
Moreno Valley
Riverside
Jurupa Valley
Grand Terrace
Chino
Ontario
Pomona
Montclair
Meniffee
Corona
Fontana
Rialto
San Bernardino
Perris

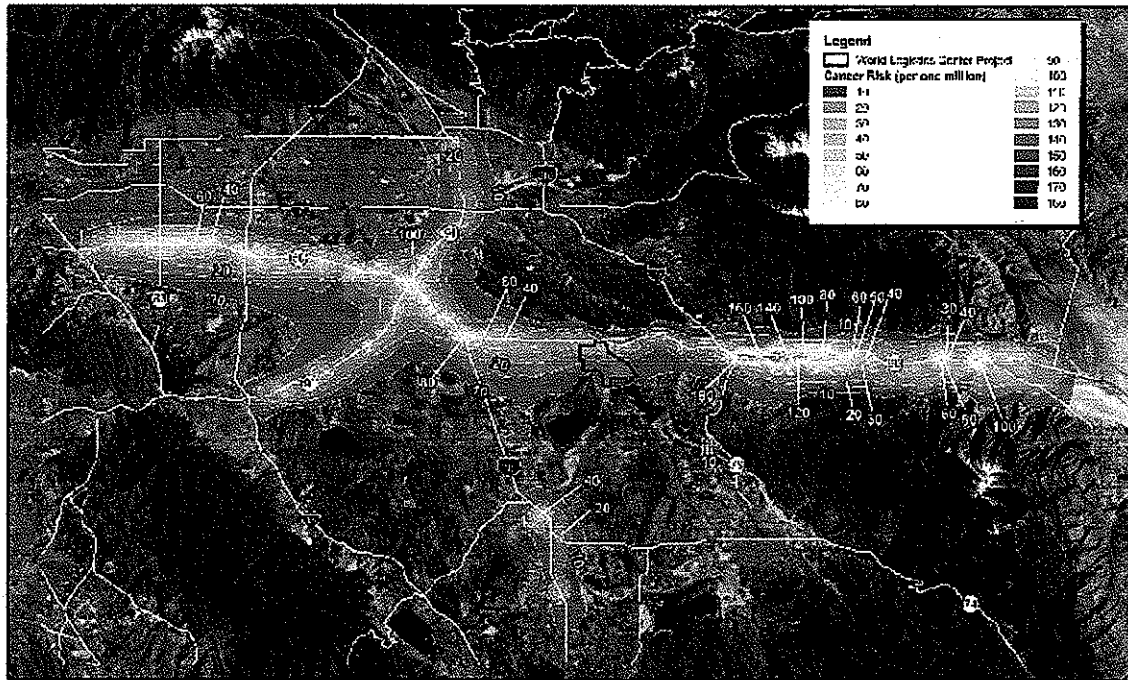
23

I am sure there are other cities that are impacted With the Project that I did not list or some like Sun City and Cucamonga which may just be on the edge one way or the other. All of these cities and their residents have the right to know that the World Logistic Center will impact their lives. *According to the California Air Resources Board Soot pollution causes almost 5,000 premature deaths in southern California each year and in the Inland Empire the main contributor to soot is diesel pollution.* There are many other health problems related to diesel pollution like asthma and heart problems as well as depression. While they do not have Figures for other health problems, it makes sense that if an area is in a cancer zone, then other health problems related to soot are also going to increase as a result of the WLC. While some WLC proponents may make fun of the low numbers of cancer victims, they will have difficulty

disputing the wide impact of the 41,600,000 sq ft World Logistic Center's pollution in our non-attainment area with its related health impacts. Since health impacts do not seem to concern some decision makers, maybe the prospect of *losing billions of dollars of highway funding* will when we can not meet EPA's new soot standards because of projects like the WLC and this will cause problems well beyond the borders on Moreno Valley. The FEIR must show how the WLC will help our area meet the new EPA soot standards. If the WLC is detrimental to the area meeting the new EPA standards for soot, then that needs to be shown and how bad it will impact the efforts to eventually meet the standards – in ten years and again in 20 years from the projects possible approval.

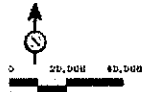
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While the area needs jobs, please look at the cancer numbers of the two figures where the WLC will be built, and realize that maybe we should be going after healthy jobs. It is very evident from the two figures that warehouse workers breath in toxic diesel pollution throughout their workday.



LSA

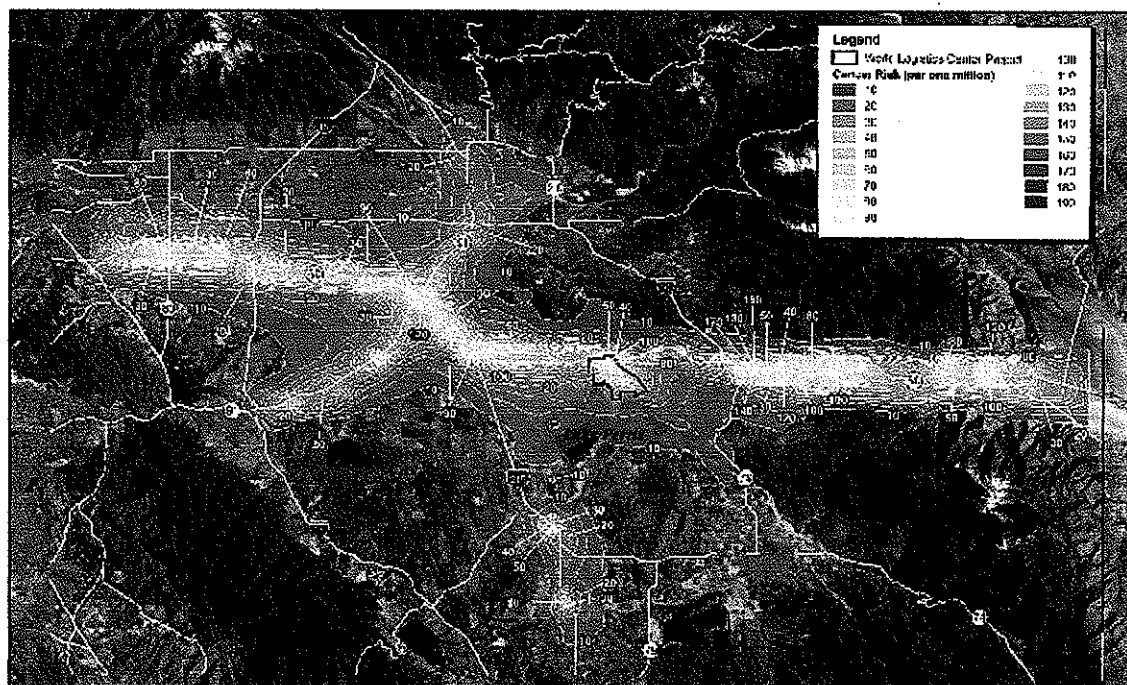
FIGURE 4.3.9



Source: County of Los Angeles, 2011; USGS, World Imagery, 2010; Metacat Database, ArcGIS, World Logistics Center Project, 2012.
LHA1201 Report EIR-2011-01, No Project Cancer Risk (1/30/2011)

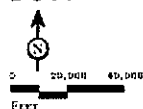
World Logistics Center Project
Environmental Impact Report
No Project Cancer Risk

23



LSA

FIGURE 4.3.10



Source: County of Riverside, 2011, 2012, World Imagery, 2010, Michael Bratman Associates, World Logistics Center Specific Plan, 2012
 1. RIV1001-Exp-00-FR-Exp-3-10- With Project Cancer Risk (V1) med: 5/2/2013

World Logistics Center Project
 Environmental Impact Report
 With Project Cancer Risks

The DEIR must include those projects that will add to the cumulative impacts of the WLC. This must include not only the projects approved but not built, but also those that are in the pipeline but not yet approved. These projects cannot be limited to ones within Moreno Valley but must include all those in neighboring communities/lands that will impact the same roads systems and air quality that the WLC will impact, or the DEIR will be inadequate. Under my signature will be five pages of Riverside County General Plan Amendments (GPA) (October 2003 – February 2012). The area abbreviations are spelled out on the fifth page. You must include those GPA in your cumulative impacts for areas that are impacted by the WLC cancer causing pollution. Those GPA's with abbreviations that must be included in the cumulative impact analysis are MVAP, PAP, RCBAP, SCMAP, SJVAP and even TCAP because it appears you have arbitrarily cut of the cancer plume just as it reaches Corona. The Mott Lakeview Ranch project on the north side of the Ramona Expressway must be included as it is redoing its DEIR for the County. In speaking with Leon Swails of the Lewis Operating Corp. a few days ago they have a revised plan for the Villages of Lakeview that he wanted to share and which he said would be coming out later this year from the County. Both of these County projects must remain part of the cumulative impacts analysis.

The WLC will have significant impacts to the San Jacinto Wildlife Area (SJWA) and all of its wonderful resources. The DEIR must show what type of buffer the WLC will provide to protect the SJWA's resources. You cannot just say a setback of a certain number of feet for buildings.

The FEIR must show all planned uses within what you consider a buffer. Will there be streets or access roads or lights of any kind? What will be allowed in the detention basins and what uses as well as hardscape will be allowed. Will there be parking lots within the buffer? These and other uses must be described in the FEIR for all buffers next to the SJWA, open space and homes or the document will be inadequate. In fact the FEIR should have drawings depicting each buffer area and explain what is contained within each. The SJWA is a California Department of Fish and Wildlife managed area where several types of hunting are allowed as well as where protecting threatened/endangered species is very important. The rules of land use next to areas designated for hunting must be observed. How will you observe those restrictions without impacting the uses of the SJWA? There are several threatened/endangered species at the SJWA, as well as others that fall under the protection of Western Riverside County's Multi-Species Habitat Conservation Plan (MSHCP) – both plants and animals. The toxic diesel emissions will float above the SJWA and settle on the habitat, plants, animals and ponds. The FEIR will be inadequate if it does not explain the impacts of these toxic emissions on the habitat, plants, animals and water resources of the SJWA, private hunting clubs, and the Lake Perris SRA over the 20 year build out of the WLC and for at least ten years past that point. Because environmental stresses impact each species in a different way, the FEIR must explain how toxic diesel emissions and other environmental stressors such as light and noise impact each of the species covered by the MSHCP as well as the Stephens Kangaroo Rat on the SJWA, private hunting club lands, and the Lake Perris SRA over the life of the build out and at least a ten-year beyond. How will the toxic diesel emissions, run-off, lights and noise impact the public and private hunting resources? The Sierra Club needs proof to your responses to these concerns and questions.

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The FEIR must show all county and city trails within five miles of the WLC and how the project will facilitate their interconnection as well as where it will cause a breakage in the trail system. The de Anza National Historic Trail need to be further explained and highlighted within the project. How will the WLC educate the public about the de Anza National Historic Trail? How will the project accommodate public transit and make sure the proper decision makers provide it for this area of the city? This is a major requirement to gain points under LEED certification and the WLC must make sure that the workers have easy access to this form of transportation. Bike trails also need to be totally integrated into the WLC's Specific Plan. They should be Class 1 bike paths to protect the riders from the 18-wheelers. They should also be integrated into any regional plans as well as a slowly improving City plan.

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Since building near sensitive receptors is considered unacceptable because of the toxic diesel emissions, the FEIR must analyze the health impacts on the well-being of warehouse workers within the WLC Specific Plan – especially those working outside.

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The FEIR needs to show how building all warehouses to each level of LEED certification (certified through Platinum) reduces both the short term and long term environmental impacts of the project. The FEIR also needs to give a definition of "modern high-cube logistics facilities" to be used throughout the Specific Plan. Since you will allow both high-cubed and regular warehousing how are you doing the analysis of the project---all areas--- when the project could have an unknown percentage of each type? When you explain or show the number of acres set aside for jobs on behalf of Moreno Valley residents you must include our fair share of the March

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Inland Port acres or your data will not be valid. Any economic analysis must include the efforts, which "are underway to establish mega-warehouse complexes off Interstate 15 in the Adelanto and Barstow areas in San Bernardino County." (Press-Enterprise 3-10-12) The cost of improving the infrastructure to at least a Level of Service D needs to be factored into the same economic analysis. "A new railroad spur might have to be built, or Highway 60 could need a new lane in each direction on the 17-mile stretch between Interstate 215 in Riverside and the I-10 in Beaumont, Ikhrata said" (Press-Enterprise 3-10-12) The viability of the WLC being built needs to be analyzed in light of the Panama Canal being widened to allow the shipping of goods directly to the eastern portions of the United States. To combat this most West Coast ports have banded together with Western railroads to eliminate thousands of trucks from the local goods movement. The Jobs 1st Alliance fears that the ports of Los Angeles and Long Beach could lose as many as 100,000 jobs when the Panama Canal overhaul allows much larger ships to bypass California. "Worst case, there could be a 25% diversion from the Los Angeles-Long Beach," said Paul Bingham, the group's chief economist. "That's upwards of 3 million cargo containers. That's a lot of dockworkers who don't get work, truckers with less to haul and trains that don't run." (Los Angeles Times 12-28-2011) The economic analysis must address the above concerns and how they could easily impact the short term as well as long-term viability of this project. The Sierra Club will also expect to hear these real concerns addressed during presentations on the WLC.

29

What are your plans for the homes the WLC has decided to include within their Specific Plan. The Sierra Club believes better transitional uses than shown in the DEIR need to be near these and other nearby homes. If the your plan does not show these transitional uses, are we to assume that the City will use eminent domain to acquire lands from unwilling sellers? Will the City use eminent domain in connection with the WLC.

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With 45-50 million square feet of warehousing in the immediate area, will there be a truck stop planned within the WLC Specific Plan? The social and environmental impacts of a potential truck stop must be analyzed in this FEIR and not later as some planned after thought. Calling it a Service Center with room to expand later to a truck stop still makes it a truck stop and needs to be analyzed as such.

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The FEIR must show how toxic runoff from the project will be handled. The document must first identify what toxic runoff will be expected from 41,600,000 square feet of warehouses and quantify it. How will you protect the San Jacinto Wildlife Area (SJWA) and its resources from the toxic runoff? Are there presently waters entering the SJWA from the project site that the SJWA relies on for its mission? How will you maintain that water continuing to enter the SJWA? The project's lands divide the flow of water with some heading eastward and other lands within the Specific Plan heading westward. The FEIR needs to explain the problems presented by this as well as the solution. The project needs to show how it plans to deal with the significant flooding in the area and what will happen to those waters. There are places where the ground water is quite shallow and the FEIR needs to show how these large buildings will deal with this problem. The reliance of our area on ground water is becoming more and more evident. What will the project do to avoid decreasing the amount of ground water these acres within the Specific Plan area presently provide? The FEIR needs to explain the net decrease of ground water as a result of the WLC. The Sierra Club expects you to have proof that there will

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be at least a 20-year supply of water—after build out—without impacting the San Jacinto Wildlife Area. More needs to be explained about the lift station in the FEIR.

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Your NOP/DEIR should have mentioned that the consumption of electricity by all these warehouses “would generate air pollutant emissions.” During the “Forum” the word “green” was used again and again to describe the WLC. The Sierra Club expects all buildings WLC buildings to match or exceed the Gold LEED certification recently agreed to by the Alessandro Business Center warehouse in the City of Riverside and the Skechers in Moreno Valley. Through the installation of solar panels and other LEED ideas you could avoid generating air pollutants with the electricity you consume. Why are you limiting the coverage of the warehouse roofs with solar? Why isn’t the entire roof covered with solar – except the area needed for skylights? The FEIR must also explain what other aspects of the project will be “green” and if they are going to be required or just included to the “greatest extent possible,” which mean very little. Agreeing to require at least 90% of your off road construction equipment meet Tier III standards and by 2015 Tier IV would also significantly help our non-attainment city and county. Continuing to pave over Prime Agricultural lands as well as those of Local and State Importance must be mitigated. Having locally grown products also cuts down on the Climate Change problems mentioned above and below. The elimination of locally grown products needs to be factored into your Air Quality and GHG analysis. As you know, recently a developer donated \$100,000 to the Riverside Land Conservancy to help mitigate for the loss of Ag Lands. Please consider how your project will seriously mitigate its impacts to Agriculture and raptor foraging. This valley is world renowned for having more than 20 species of raptors. You should also make sure your parking provides ample reserved spaces for several form of cars using alternative fuels. Their parking lot also needs to be made of porous material to help with ground water recharge and to lessen run off.

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Since some of Moreno Valley’s designated truck routes pass by schools and their playgrounds, the Sierra Club expects the FEIR to explain what requirements will be placed on the tenants to avoid this very toxic situation as well as the truckers who will deliver/pickup products for your warehouse. How will the WLC increase the toxic level of any school within 1,500 feet of designated truck routes within our City? Explain why trucks will be allowed to leave the I-215 and head towards the WLC and visa versa on City streets instead of using SR-60. You are to use all means of reducing the projects impacts on residents. Using Cactus Ave or Alessandro Blvd or JFK instead of SR-60 to head east or west shows you are not doing so. The signals and stop signs more than offsets the pollution you might save by going a little shorter distance. The projects distance from homes needs to be easily understood as well as all the paths trucks could take to the warehouse. Using east/west surface streets significantly increases the toxic diesel pollution as well as the noise pollution and vibrations people will have to suffer. The WLC’s traffic analysis needs to have the truck traffic using Moreno Valley surface streets using SR-60 to move east and west. Only then can the WLC state that it is doing more to reduce the diesel and noise pollution impacts on Moreno Valley residents. The FEIR must also show how much money the City will save on road improvements if the trucks are using SR-60 instead of the east/west surface streets. The WLC’s trucks must also be restricted from using all roads that pass schools such as those on Heacock Street. How will you protect the workers from breathing toxic diesel emissions throughout their workday? What equipment will you make sure is electric instead of diesel or gasoline in order to lessen pollution and better protect the workers--this

36

includes gardening equipment? The DEIR needs to explain how noise barriers used during construction and use of the warehouse could lessen impacts identified in the Initial Study. Impacts to our local streets as well as our very crowded freeways need to be explained so the average citizen will understand. The FEIR-not just appendices- needs to show the length of trips the diesel trucks will be taking when driving to and from the warehouse as well as their routes. We need to know the maximum number of trucks that will use these warehouses each workday and not just after the first year, but when the warehouse is being used to its maximum capacity at peak times of the year.

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The FEIR must show all off site infrastructures on single map/figure to allow the public to easily understand. These include but are not limited to sewer, debris basins, and the Theodore Interchange improvements. This includes all such needed improvements on both sides of Gilman Springs Road. The public needs to know who owns these lands needed for these off site improvements and what it will cost to build them as well as who will pay those costs. It also must include any additional interchanges and widening over crossings as well as widening of SR-60 to meet the demands of the WLC. The recent decrease of Development Impact Fees for High-cubed warehousing makes many needed improvements underfunded. What will the WLC do to compensate for this? All of these off site improvements need to be part of the economic analysis. Your economic analysis must give proof of its viability for at least 20 years after build out. It is in this time period that Proposition 13 tax increase restriction will have significant impacts on the WLC's income to the City of Moreno Valley and will probably become a drain on the well being of the City.

37

The land should not be disked for at least six months prior to doing the Burrowing Owl survey. Otherwise many will believe you are just making it difficult on this special animal as well as making it more likely it will be listed as endangered. Figure 4.4.5 shows excellent Burrowing Owl habitat in the within the drainage areas of the WLC. What will happen to those animals during the life of the project and what else can be done to protect them? Will all drainage channels be soft bottom and if not why not? The Sierra Club believes the FEIR will be inadequate unless our concerns and issues found throughout this letter are thoroughly addressed within the DEIR document. The Sierra club does not accept your limited Open Space dedication as adequate and you should be ashamed of continuing to give the impression that the existing San Jacinto Wildlife (SJWA) area lands are being given as part of the WLC project. Figure 4.4.3 shows criteria cells along Gilman Springs Road. What is being proposed with those lands?

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How will you modify power poles to protect raptors from being electrocuted as they land or spread their wings? The Sierra Club expects such modifications on all new and existing electrical poles within at least a half-mile of the WLC project. The placement of power poles near the San Jacinto Wildlife Area may prove dangerous when people are hunting. In addition they are ugly and should be placed as far away as possible from the open space of the SJWA. Make sure all existing as well as proposed underground pipelines are shown on maps/figures and what is transported within them. What proof do you have that your drainage plan will protect the SJWA and all its resources – especially threatened and endangered species?

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The FEIR must explain the area proposed for annexation. When will the application for annexation be submitted and what happens when it is denied? Since this is part of the process

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for the getting the project approved, the Sierra Club believes that everyone who requested all documents and notices of all meetings related to the WLC needs to be sent the annexation application and timely notices of those meetings.

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Why wasn't the Development Agreement in the Draft EIR and will it be made available in the Final EIR? When future warehouses are proposed for development what must they do to get approval? Will they need to do their own EIR or will they be able to rely on the WLC's certified EIR? Will this be the case for the entire build out of the WLC? There will be many changes between now and 2035 and those changes should be dealt with in new environmental documents.

43

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

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

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

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

44

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

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

Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in the size and frequency of flood events (NRDC 2007). The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection (NRDC 2007). At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more difficult (NRDC 2007). These changes in hazard risk and water supply availability must be considered during environmental review.

Water quality, in addition to water quantity and timing, will also be impacted. Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems (NRDC 2007). Changes in precipitation affect water quantity, flow rates, and flow timing (Gleick 2000). Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn (Epstein 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions (Schindler 1997).

These are only examples of how global warming will impact the proposed project and intensify the environmental impacts the project will already have. It is not an exhaustive list. Thus, when assessing the impact of the Project on air quality, water supply, flood hazards, and biological resources, the EIR must take into account global warming. To ignore the impact of global warming on the Project and the resources impacted by the Project would significantly understate Project impacts.

, a universally adopted methodology is *not* necessary to

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

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

To the extent that the project moves forward as planned, there are many mitigation measures the City can consider, as described below. This is not an exhaustive list and the EIR should explore these and all other feasible mitigation measures that will reduce the project's greenhouse gas emissions (CAPCOA 2008; California Office of the Attorney General 2008).

ii. Land Use and Energy

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

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

- Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy efficient building during pre-design, design, construction, operations and management. All buildings within the World Logistic Center must be required to obtain a least Gold LEED certification.
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting
- Limiting the hours of operation of outdoor lighting
- Maximizing water conservation measures in buildings and landscaping, using drought tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.

iii. Mitigation Related to Project Construction

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

46

iv. Transportation Mitigation Measures

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

47

THE EIR MUST CONSIDER A REASONABLE RANGE OF ALTERNATIVES

The EIR must consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly' even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

48

An analysis of alternatives should also quantify the estimated greenhouse gas emissions, quantified impacts to biological resources, water resources-including water quality and water availability, as well as traffic resulting from each proposed alternative. Selecting an alternative site closer to rail availability would be ideal and closer to I-10 or some other major freeway instead of our SR-60 which is only two lanes in from of the project. These places do exist.

CONCLUSION

Thank you for your attention to these comments. The Sierra Club expects all growth inducing as well as cumulative direct and indirect impact to be fully addressed in the FEIR. We look forward to working with the City 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. The

49

Sierra Club wishes to be placed on the mailing list for all future notices and documents regarding this project. Please mail all notices to Sierra Club, San Gorgonio Chapter, Moreno Valley Group, 26711 Ironwood Ave, Moreno Valley, CA. 92555.

49

Thank you,



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

RESPONSES TO LETTER F-11

Sierra Club, San Geronio Chapter

Response to Comment F-11-1. The commenter suggests the Environmental Impact Report (EIR) is inadequate and has submitted their Notice of Preparation (NOP) comments in addition to their comments on the Draft Environmental Impact Report (DEIR). The DEIR does present accurate and adequate analysis in the DEIR, plus the additional and revised analyses of these issues have been provided in the Final Environmental Impact Report (FEIR), which together provide sufficient information upon which to make an informed decision.

Response to Comment F-11-2. The commenter points out there was not enough information at the “Skechers” public scoping session. While there were more people attending the meeting than anticipated, City staff made additional copies and distributed them during the meeting. The materials were projected on a screen during the meeting, and the written materials were made available on the City’s website both before and after the scoping meeting. Despite these concerns, the public has had ample opportunity to review the project information, technical studies, and EIR documents via a 63-day public review period, plus the many months since the time the DEIR review period closed (April 8, 2013) during which the City has continued to receive emails and written correspondence on the DEIR and World Logistics Center (WLC) project. All of these comments have been included and responded to in this FEIR document regardless of when they were received by the City. In addition, public hearings at the Planning Commission and City Council will occur to review all of this material prior to any decision by the City.

Response to Comment F-11-3. The commenter asserts that there was inadequate public participation because California Environmental Quality Act (CEQA) materials were not provided in Spanish. The commenter should note that no EIR has ever been translated into Spanish for the purposes of CEQA review, including those in communities with much higher proportion of Hispanic residents. A large segment of the population of Moreno Valley is Hispanic or Latino, however, because a person is Hispanic or Latino does not automatically mean that they only speak Spanish. There is no legal requirement to translate the environmental documents or the notices into other languages. It is not the policy of the City to require project applicants to incur the added expense of having project environmental documents or public notices translated into Spanish. The City is also not required to incur the expense of providing a Spanish translator at public meetings. The commenter is free to provide a Spanish translator at its costs. In addition, neither the State CEQA Statutes nor the State CEQA Guidelines require or even suggest providing such notices in Spanish.

Response to Comment F-11-4. The commenter reiterates the issue regarding translating CEQA materials into Spanish. Response to Comment F-11-3 above outlines why the City does not provide CEQA documents and notices in Spanish. The EIR materials related to this project are adequate in terms of the level of analysis and issues addressed given the nature of the project and its location.

Response to Comment F-11-5. The commenter asserts the EIR process is inadequate because residents living along roads affected by project traffic and noise, including proposed mitigation with sound walls, were not individually noticed regarding the project. The City has made every reasonable effort to inform the public as to the potential impacts and proposed mitigation for this project, including a 63-day public review period on the DEIR which was posted in its entirety on the City’s website. In addition, approximately 1,337 residents/residences near the WLC project site were sent individual notices regarding the proposed action per state law and City legal procedures. A legal notice was also placed in the local newspaper regarding circulation of the EIR. It would be cost prohibitive and unnecessary to mail individual notices to any City resident affected in some way by this project due to its size and nature, and adequate notice has been provided in this regard for this project.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-11-6. The commenter believes the NOP for the project was misleading. The City disagrees, the information included in the NOP, including extensive information about the nature of the project and the relationship to the gas company and California Department of Fish and Wildlife/San Jacinto Wildlife Area (SJWA) conservation lands. A detailed Initial Study was not included in the NOP per State CEQA Guidelines Section 15060(d) because the City knew from the very beginning that an EIR was needed for this project. The NOP correctly indicated that all potential environmental issues would be evaluated in the EIR, as reflected by the analysis in DEIR Sections 4.1 through 4.16. The project information and maps in the NOP were accurate. In addition, the DEIR contained even more detailed information on the project and its potential impacts, and all of the agencies that commented on the NOP had ample opportunity to review and comment on the various technical studies and analyses in the DEIR. In these ways the City has followed the intent and requirements of CEQA regarding the NOP and EIR. Also refer to Responses to Comments B-3-40 regarding why the California Department of Fish and Wildlife (CDFW) Conservation Buffer Area and the San Diego Gas and Electric (SDG&E) lands are included in the WLC Specific Plan(SP).

Response to Comment F-11-7. The commenter raises more specific items of concern with the NOP. The NOP was an accurate representation of the project and its potential impacts, as outlined in Response to Comment F-11-6 above. The NOP specifically mentions SJWA and the state conservation land south of the Specific Plan property.

Response to Comment F-11-8. The commenter believes the NOP needed more than 30 days review. The NOP provided sufficient information for resource agencies to indicate their major areas of concern regarding environmental impacts, and all these agencies had 63 days to review and comment on the DEIR and its various technical studies. The purpose of the NOP is to provide responsible and trustee agencies with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a “reasonable” response (CEQA Guidelines Section 15082(1)). There is no evidence that any agencies or the public were denied adequate time under CEQA to evaluate the NOP and the EIR. In fact, no agencies asked for more time to comment on the NOP.

Response to Comment F-11-9. The City and the DEIR have clearly indicated the status of the Moreno Highlands Specific Plan (MHSP) in relation to the City’s Housing Element and future sites for affordable housing. Page 3-13 of the DEIR states...

“The City’s 2006 Housing Element identified the Moreno Highlands Specific Plan as a potential source of vacant land that could accommodate possible future residential growth in the City. In 2011, the City updated its Housing Element and anticipated possible land use changes from mixed use and residential to jobs producing warehouses in the eastern part of the City. The 2011 Housing Element concluded that redesignating the entire land area east of Redlands to the eastern City border for warehouse uses would not impede the City’s Housing Element Objectives. The State Department of Housing and Community Development certified the City’s Housing Element as being in compliance with State law on February 22, 2011. The proposed project is consistent with the City’s current Housing Element.”

This correctly explains the relationship of the MHSP project in relation to the Housing Element.

Response to Comment F-11-9. Environmental impacts were addressed in the No Project (Existing General Plan) Alternative, DEIR Section 6.3.5.

The commenter incorrectly states that the dwelling units currently planned under the existing zoning for the property (the Moreno Highlands Specific Plan for most of the project area) must be relocated within the City. The project proposes to replace existing residential land use designations with jobs-producing logistics land uses. There is no requirement to relocate planned residential units elsewhere in the City. Nor is there any requirement in CEQA to include these “displaced units” in the air quality or traffic analyses as the commenter claims. These units do not exist.

Per CEQA, the EIR for the proposed project is required to measure its impacts on existing conditions, not address planned, but not built dwelling units.

Response to Comment F-11-10. The commenter requests an analysis of city freeway ramps and local streets to determine what would happen in the event that a truck accident causes a freeway-closing accident on SR-60. He cites existing deficiencies on Gilman Springs Road, Redlands Blvd, and San Timoteo Canyon Road and asks what improvements will be made to make them safer. The commenter cites the 50-vehicle/peak-hour threshold for studying roads and says that he doesn't know if the project adds 50 or perhaps 500 trips. The commenter requests that all of the road segments between the study intersections be studied. Also, the commenter inquires about the level of service (LOS) at the intersections before and after the improvements and how improvements will be implemented over and above just paying impact fees.

In the event of an accident on SR-60, the California Highway Patrol may direct traffic onto an alternate route including local surface streets. Although the travel patterns of vehicles on SR-60 could change for the short period of time that the freeway would remain closed due to a hypothetical accident on SR-60, such conditions are temporary and not indicative of the weekday a.m. and p.m. peak hours which are customarily analyzed in a traffic impact study and which are used as the basis for determining the number of lanes needed at roadways and intersections. An analysis of freeway closure traffic impacts is not reasonable, is not included in the traffic study guidelines that guided the methodology of the traffic impact analysis included in the DEIR, and therefore is not included in the FEIR. Note that by extending Eucalyptus Avenue from Redlands Blvd. to Gilman Springs Road, the project would create a new detour route that could be used in the event of an accident on SR-60.

By state law, the project cannot be held responsible for rectifying existing deficiencies on Gilman Springs Road, Redlands Blvd, and San Timoteo Canyon Road. However, the traffic impact analysis included in the DEIR assesses the potential project direct and cumulative impact of these three roadways. Deficiencies on Gilman Springs Road are disclosed in the DEIR, improvements are identified, and mitigation measures are set forth. The City will require the project to pay Transportation Uniform Mitigation Fee (TUMF) and Development Impact Fees (DIF) and to fund its fair share of the cost of improvements for which there is a nexus to the project.

Response to Comment F-11-11. The commenter expresses concern that the TIA assumes that some project truck traffic will use Reche Canyon Road which is currently a winding 2-lane road. The commenter acknowledges that the Riverside County Transportation Commission (RCTC) has plans to widen the road but states that there is no proof that this will ever happen. The commenter requests that the TIA assume that the road will never be built.

Because of the scale of the proposed project and the time lapse that would occur between its first increment of development and buildout, this EIR is a program level EIR. For this reason, the TIA assesses project impacts against existing (i.e., baseline) and General Plan Year 2035 (cumulative) traffic conditions. The General Plan Year 2035 traffic scenario appropriately assumes certain non-project land uses will be developed and certain transportation improvements will be constructed between now and year 2035. The transportation improvements assumed to be in place for the General Plan Year 2035 traffic scenario include the transportation improvements contained in the following:

1. Federal Transportation Improvement Program (FTIP). The 2012 FTIP covers the first four years of SCAG's 2012-2035 Regional Transportation Plan (RTP). The FTIP includes transportation projects that are already funded and are either already under construction or are in an advanced stage of development.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

2. RTP Financially Constrained Project List. The RTP Financially Constrained Project List covers transportation projects that are next in line to be programmed and included in the four year FTIP. These projects would occur in the 2016-2035 time frame.
3. City of Moreno Valley General Plan road network. The General Plan network includes future planned improvements that are funded through the City's Development Impact Fee (DIF), Western Riverside Council of Governments' Transportation Uniform Mitigation Fee (TUMF), and improvements made directly by developers. The expectation that these improvements will be in place is appropriate for the long-term traffic analysis contained in this Program EIR because the General Plan Year 2035 traffic scenario also assumes buildout of the City's General Plan land uses. Most of future City transportation improvements will be funded through DIF and TUMF fees on collected from future developments projects. If future developments projects do not fully buildout per the General Plan then the LOS on the study streets and intersection would likely be better than shown in the TIA.

The 2012 Federal Transportation Improvement Program (FTIP) project list, which shows the projects for which funding is currently available, includes a Project Approval and Environmental Document (PA&ED) study of the widening Reche Canyon Road from 2 to 4 lanes, including realignment, signals, and medians (see FTIP Project RIV041043). This study is to occur in the FTIP four year time frame and is therefore assured of being in place prior to buildout of the General Plan Year 2035 assumed land uses and roadway network. The FTIP includes another project (see FTIP Project 200843) to fund widening of one section of Reche Canyon Rd. from 2 to 4 lanes, and another project (FTIP project 200064) to widen another section and modify the traffic signals in the FTIP four year time frame.

SCAG's financially-constrained project list, which identifies projects for which funding is expected to become available in the medium term in the 2016-2035 time frame, includes further widening of Reche Canyon Rd. one segment at a time (see Projects 3A07105, 3A04WT065, and 3A04WT184). So, contrary to the comment, there is ample evidence that this project will go forward as planned. If this roadway were left out of the TIA analysis then the possible impacts of project trucks using this route would have been missed.

Response to Comment F-11-12. Please see Response to Comment F-11-11.

Response to Comment F-11-13. Please see Response to Comment F-11-11.

Response to Comment F-11-14. The commenter claims there is no discussion of mitigating the diesel pollution that will traverse over six-foot sound walls into the residents' homes and yards. A detailed Health Risk Assessment (HRA) was prepared in the DEIR and was refined for the FEIR, which found no significant impact in residents adjacent to the WLCSP. Sound walls can provide some relief from roadway pollution. The South Coast Air Quality Management District (SCAQMD) indicates a range of pollutant reductions on the order of 15 to 50 percent for "near" locations on the downwind side of the wall.³⁷ The effectiveness of sound walls varies with distance from the roadway. Other site specific characteristics such as wind direction/roadway orientation, wall height, wind speed, and distance of the wall from the roadway may significantly affect the effectiveness of walls as pollutant mitigation. In the project air quality impact analyses, no credit was taken for any potential mitigation from sound walls.

The commenter indicates that there would be 30,000 trucks into Moreno Valley. However, as shown in the DEIR (Appendix D, Table 17) there was estimated to be approximately 13,000 diesel truck trips per day, which has been reduced in the revised analysis (with the reduction in square footage) to approximately 12,000 diesel trucks per day and 2,000 non-diesel trucks per day.

³⁷ SCAQMD 2012. 2012 Air Quality Management Plan. Chapter 9.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The commenter states that requiring 2010 trucks is not good enough. As discussed in Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, other truck technologies such as zero and near-zero emissions trucks are not currently viable or feasible technologies. In addition, the project's diesel trucks will need to be model year 2010 or greater (pursuant to Mitigation Measure (MM) 4.3.6.3B), which substantially reduces NOx and PM emissions. Please see the FEIR Mitigation Monitoring Reporting Program for a list of the project's mitigation measures.

Response to Comment F-11-15. The commenter does not raise any issue regarding the adequacy of the DEIR and no response is required. The City will consider all comments in connection with its consideration of the proposed project.

Appendix "O" to the DEIR, the "Fiscal and Economic Impact Study," includes projections for on-going maintenance costs for public facilities and improvements (including road improvements) at approximately \$1,900,000 annually. The overall WLC cost vs. revenue analysis concludes that the WLC project will generate a "Total Annual Recurring General Fund Surplus" of nearly \$7,000,000 per year (Exhibit A-9 of DEIR Appendix O). The City will have ample General Fund resources to do additional road maintenance if determined necessary by the City.

Response to Comment F-11-16 and 17. The commenter indicates that the EIR should show what physical and mental impact residents might experience as a result of the operation of the project. The commenter wonders what would protect the residents from the dust, noise, and vibration during grading. The FEIR and revised analysis (FEIR Volume 2, Section 4.3 and Appendix D) provide discussions of potential impacts on health that would occur with the project. Numerous mitigation measures are included that would minimize the potential impacts including the use of the cleanest fleet of heavy duty diesel trucks (Section 3.4.6.1), non-diesel support equipment the installation of air filtration systems (Section 4.3.6), noise mitigation (Section 4.12.5) and dust mitigation measures designed to meet the requirements of SCAQMD Rule 403 for Fugitive Dust (Section 4.3.6). The FEIR recognizes that the residents of the seven homes would be significantly and unavoidably impacted by the project's development (Section 4.3.6).

As part of the FEIR the circulation of the project has been revised to reroute Cactus Ave as Street "D" into the WLC based on the Transportation Engineering Division's recommendations. Incorporating this road alignment impacts the original land plan for the southwestern portion of the Specific Plan to the point where approximately 100 acres of land in this area can no longer function as an integral part of the WLC project. Section 3.1 of the WLCSP depicts the revised circulation system. The revised health risk assessment based on the revised land plan shows that there will be no significant health risks for those residences not within the project's boundaries (Section 4.3.5, FEIR Volume 2). It should also be noted that heavy trucks are prohibited from using city streets other than truck routes (Section 4.3.6, FEIR Volume 2), that noise mitigation measures have been imposed to mitigate the impacts on the surrounding residences (Section 4.12.6, FEIR Volume 2); therefore, there is no need to increase the separation between the project or truck routes from the existing residences.

The commenter wonders if the existing residential homes will decrease in value if the project is approved. The commenter wonders if the City considers this a taking. It is not possible to determine the impact of home values if the proposed project is approved and such economic issues are beyond the scope of CEQA. The City Council will consider all comments in connection with its consideration of the project before making a decision on the project.

The commenter indicates that the EIR should show what physical and mental impact residents might experience as a result of the operation of the project. The commenter wonders what would protect the residents from the dust, noise, and vibration during grading.

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

Impacts related to dust are discussed in DEIR Section 4.3, *Air Quality*, while noise and vibration impacts are addressed in DEIR Section 4.12, *Noise*. Mitigation Measures were recommended under both of these environmental issues, although air and noise impacts were determined to be significant even with implementation of feasible mitigation as recommended in the DEIR. See also Response to Comment F-9A-39 and the Master Responses in Letter C-3 for additional discussion on dust impacts, and Responses to Comments E-2A-13 to E-2A-15 and Responses to Comments F-8-72 and F-8-73 for additional discussion of noise and vibration impacts.

The DEIR and revised analysis provide discussions of potential impacts on health that would accrue with the project. Numerous mitigation measures are included that would minimize the potential impacts including but not limited to the following:

- Use of the cleanest fleet of diesel trucks during operation (MM 4.3.6.3B)
- Non-diesel support equipment (MM 4.3.6.3B)
- Dust measures designed to meet the requirements of SCAQMD Rule 403 for Fugitive Dust (MM 4.3.6.2A).
- Cleanest off-road construction equipment (MM 4.3.6.2A).

The commenter wonders if the existing residential homes will decrease in value if the project is approved. The commenter wonders if the City considers this a taking. It is not possible to determine the impact of home values if the proposed project is approved and economic issues such as those indicated by the commenter are beyond the scope of CEQA.

Response to Comment F-11-18. The Federal Highway Administration (FHWA) has established that the typical ear height is 5 feet (see for example “FHWA Highway Traffic Noise Prediction Model”, FHWA-RD-77-108, December 1978), and this has also been adopted by the California Department of Transportation (Caltrans), the Federal Transit Authority (FTA), and other agencies. The ear height is roughly 6 inches below the top of the head, and even a 6’3” person would have an ear height below 6 feet. The noise source height for automobiles is at the pavement level since most noise generated by automobiles is due to the interaction between the pavement and the tires. The primary noise source for medium trucks is the engine noise which the FHWA models at 3 feet above pavement. The primary source for heavy trucks is the exhaust stack which generally occurs at 10 feet above pavement, but tire and engine noise are also important. Much of the noise impact along arterial roadways for this project is not due trucks but rather to the increase in automobile traffic, since most of the truck traffic will go directly to the nearby freeway. With such a low source height, a 6-foot wall will be very effective in reducing the noise impact of the project.

Response to Comment F-11-19. Detailed numbers for single event noise caused by blow-downs is included in the appendix to the technical noise study (DEIR Appendix K, pages 24 and 25 which are identified as Exhibits 9 and 10). Southern California Gas Company (SCG) has indicated in meetings to Highland Fairview that a muffler will be put on the blow-down points if anybody is in the vicinity of the blow-down, and this should be adequate to protect infrastructure workers. SCG currently owns and uses these or similar silencers on their blow-down points and therefore, their effectiveness is proven. SCG has several blow-down points near residential areas and successfully have blown-downs without significantly impacting the residents. The responsibility for insuring that blown-down events have a reasonable noise level is SCG’s, not the project applicant.

Response to Comment F-11-20. The commenter requests the FEIR have a health risk assessment to cover all aspects of the project’s negative impact on residents and workers.

The DEIR and revised analysis (FEIR Volume 2, Appendix D) contain an extensive health risk assessment of the project’s health risk impacts on residents and workers. The revised analysis was expanded to address potential health risk impacts to school-age children and schoolchildren. These

estimates were made using regulatory-approved models and methods to derive both emission estimates and resulting cancer risks and non-cancer hazards specific to this project. The assessments were comprehensive and the results and conclusions were presented therein.

Response to Comment F-11-21. The commenter suggests, without offering documentation, that WLC will cause \$5 million to \$9 million in health costs to the community. While the City acknowledges that logistics development will have both positive and negative impacts in its sphere of influence, so will other potential development, as would a lack of employment-oriented development in Moreno Valley. Notably, this letter does not concern itself with the health costs associated with the level of unemployment that would exist if the project is not built, and the significant health opportunities available to those who will receive regular paychecks from their work at WLC. A recent study prepared by Economic & Politics, Inc. titled *Policy Choices and the Inland Empire's Public Health* found that the most important causes of public health issues were socio-economic, i.e. income, education, poverty, and employment (Exhibit P). In point of fact, some of the employers at WLC will directly provide health insurance to its workers, while employees at other firms will be able to access Affordable Health Care Act benefits by making the necessary copayments only because they would be employed at WLC. Furthermore, as is the case with all legitimate businesses operating within the City of Moreno Valley, WLC employers will be required to operate in full compliance with all existing state and federal regulations as they relate to employer responsibilities to provide for the health and welfare of employees.

Response to Comment F-11-22. The commenter asserts that the majority of warehouses have peak times during the year and that the traffic and air quality analyses must be done to show the worst case scenario possible. The commenter also requests all traffic counts from 2011 to be updated to 2013.

Response to Comment F-9A-9 explains why there is no need to study seasonal peaking for this particular project. The TIA followed standard engineering practice is to base the analysis on a “typical workday” which is defined as a Tuesday, Wednesday, or Thursday in a week when schools are open and no special weather or event affects normal traffic patterns.

An analysis was performed to determine if seasonality of traffic flows may be a significant factor that needs to be accounted for in the analysis. The monthly fluctuations in traffic flow on SR-60 in Moreno Valley were reviewed to determine if this was the case. The average daily traffic on SR-60 from 2011 was collected from Caltrans at the SR-60 interchanges with Perris Boulevard, Heacock Street, and Day Street and summarized by month (see refer to FEIR, Volume 2, Section 4.15 Traffic, Table 4.15.F: Existing (2012) Roadway Segment Levels of Service). The average daily traffic for each individual month was calculated and compared to the annual average. The data showed that the monthly fluctuations in traffic were not consistent between interchanges; in months where the traffic volumes at one interchange were above the annual average while the adjacent interchange count location was below the annual average. For example, the lowest month of the year for the Perris interchange, January, was the highest month for the two nearby interchanges. In 10 out of 12 months the two count sites closest to the project (Perris Boulevard and Heacock Avenue) deviated in opposite directions from the annual average.

If this area were subject to seasonal peaking then the three interchange count locations would show similar peaking characteristics during any given month. The count data showed no such consistency, therefore, seasonal peaking of ambient traffic is not considered a significant factor for traffic analysis for the WLC (as illustrated in Table F-11.A below).

A further analysis was performed to determine whether there may be significant seasonal peaking of truck traffic from the WLC that needs to be factored into the analysis. There are several reasons to believe that this will not occur:

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- When it is fully operational the WLC is expected to have 15-to-25 different tenants from a variety of economic sectors; for example the National Association of Industrial and Office Properties (NAIOP) survey found tenants in the consumer goods, pharmaceuticals, automotive products, tools, office supply, home furnishings, and building materials sectors. To the extent that these sectors have season peaks they occur at different times of the year and would tend to offset each other (i.e. a high period for one tenant may be a low period for the tenant next door). This is one reason why traffic on SR-60 itself does not display seasonal peaking.
- Furthermore, the commenter's opinion that seasonal variation in truck traffic may pose significant impacts was premised on the commenter's erroneous over-estimate of the amount of truck traffic that will be generated by the WLC. To the extent that truck volumes will be smaller, the impact of any variations in truck traffic will also be smaller.

For these reasons, there is no basis for a presumption that seasonal peaking of truck traffic will create any significant impacts that have not already been identified using the trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual.

The traffic counts were taken within a year of the NOP (dated February 2012) and so no adjustment was necessary.

Table F-11.A: Average Day Traffic at Three Interchanges near the WLC

PeMS		Month												Annual
Detector	Location	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
Eastbound														
810316	Perris Interchange	24,384	25,778	26,924	27,960	29,080	29,893	30,759	31,544	31,587	31,522	31,468	31,477	
801407	Heacock Interchange	41,458	41,506	41,499	41,470	41,378	41,396	41,483	41,465	41,459	41,377	41,314	41,265	
801394	Day Interchange	57309	57222	57222	57180	57061	57628	58590	59254	59736	59130	58898	58894	
Westbound														
801410	Perris Interchange	28,055	28,451	28,937	29,432	30,019	30,612	31,059	31,647	31,631	31,548	31,487	31,432	
801404	Heacock Interchange	39,994	39,791	39,653	39,532	39,301	39,216	39,207	39,138	39,038	38,914	38,800	38,590	
808945	Day Interchange	46370	45897	45400	44938	44296	43814	43524	43359	43236	43284	43141	43073	
Both Directions														
801410	Perris Interchange	52,439	54,229	55,861	57,392	59,099	60,505	61,818	63,191	63,218	63,070	62,955	62,909	59,724
	Diff from Ave	-7,285	-5,495	-3,863	-2,332	-625	781	2,094	3,467	3,494	3,346	3,231	3,185	
	% Diff from Ave	-12%	-9%	-6%	-4%	-1%	1%	4%	6%	6%	6%	5%	5%	
801404	Heacock Interchange	81,452	81,297	81,152	81,002	80,679	80,612	80,690	80,603	80,497	80,291	80,114	79,855	80,687
	Diff from Ave	765	610	465	315	-8	-75	3	-84	-190	-396	-573	-832	
	% Diff from Ave	0.9%	0.8%	0.6%	0.4%	0.0%	-0.1%	0.0%	-0.1%	-0.2%	-0.5%	-0.7%	-1.0%	
801394	Day Interchange	103,679	103,119	102,622	102,118	101,357	101,442	102,114	102,613	102,972	102,414	102,039	101,967	102,371
	Diff from Ave	1,308	748	251	-253	-1,014	-929	-257	242	601	43	-332	-404	
	% Diff from Ave	1.3%	0.7%	0.2%	-0.2%	-1.0%	-0.9%	-0.3%	0.2%	0.6%	0.0%	-0.3%	-0.4%	

The lowest month of the year for the Perris IC was the highest month for the two nearest interchanges.

In 10 out of 12 months the two count sites deviated in opposite directions from the annual average; i.e. one was higher than the annual average and the other lower.

Response to Comment F-11-23. The commenter lists multiple freeways that should be included in the traffic analysis because the air quality analysis shows that pollution from trucks is impacting the air quality on those roadways.

The commenter lists multiple freeways that should be included in the traffic analysis because the air quality analysis shows that pollution from trucks is impacting the air quality on those roadways. The TIA (DEIR Appendix L) used a City of Moreno Valley-approved threshold of 100 peak-hour trips to be used to determine whether or not a freeway segment needs to be further analyzed for potential traffic impacts. As a result, the impacts from the project's vehicle traffic encompassed the region from the junction of SRs-62/111 westward to the junction of SRs-60/71. In response to various public comments received on the DEIR, the geographical extent of the analysis of freeway impacts contained in the revised analysis was extended westward from the junction of State Routes 60/71 to

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Interstate 710 and southward to the ports of Los Angeles and Long Beach. Additional freeway segments were also added to the assessment including the westward extension from the junction of SR-91/Interstate 15 to Interstate 710 and the Interstate 215 from the junction with the SR-60 to south of SR-79. The entire freeway segments analyzed in the revised TIA are shown in TIA Figures 2 and 3 (FEIR Volume 2, Appendix L). As a consequence, the project's impacts are now fully described over the area that would experience the emissions from the project's vehicle traffic.

The commenter should also note that MM 4.3.6.3B requires that all diesel trucks must meet model year 2010 truck engine standards, the cleanest diesel truck engines available today.

Response to Comment F-11-24. The commenter states the DEIR must include those projects that will add to the cumulative impacts of the WLC - include all projects, even those that are in the pipeline but not yet approved and including projects in neighboring jurisdictions. A complete listing of other past, present, and reasonably foreseeable projects in the study area included in the DEIR cumulative impact analysis is shown in Exhibit 16 and Appendix E of the Air Quality, Greenhouse Gas, and Health Risk Assessment Report, Appendix D of the DEIR.

The traffic analysis incorporates a comprehensive list of other known projects, with over one hundred projects included on the list (see TIA Chapter 2, Section A, the sub-section entitled Land Use Assumptions, FEIR Volume 2, Appendix L-1). This list includes all projects in nearby jurisdictions for which data was available. In addition, the future-year scenarios also included other land developments incorporated into SCAG's 2012 Sustainable Communities Strategy (SCS), the region-wide land use plan.

Response to Comment F-11-25. Current land use of the northern portion of the SJWA (called the CDFW Conservation Buffer in the DEIR) is presently in dryland agriculture like the WLCSP lands. Numerous biological surveys since 2005 have identified only a limited number of plant and wildlife species due to repeated disking, planting and harvesting of dryland crops. The northern portion of the SJWA (approximately 830-acres) is highly disturbed and does not provide suitable habitat for any threatened or endangered species and is not used for hunting of any kind.

The WLCSP requires that there will be a setback of 250 feet from the boundary of the CDFW Conservation Buffer Area. The project incorporates special edge treatments designed to separate development areas from open space areas. These areas will serve to minimize unauthorized access, domestic animal predation, and illegal trespass and dumping. MSHCP guidelines recommend a setback or a buffer between urban and wildland areas. No specific research has been done on the WLCSP-SJWA interface, but scientific and academic research can provide guidance on the appropriate width of such a buffer under these types of conditions. Typical setbacks to protect wildlife from human presence (though not warehousing) ranges from 50 to 500 feet, but 200 to 215 feet appears adequate for the most sensitive or valuable wetlands, based on recommendations from California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS). The City of Moreno Valley has setbacks related to residential development in its General Plan of 250 feet. The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and adopted guidelines of the USFWS and CDFW include a setback of 300 to 500 from nesting birds during construction activities. For example, typical burrowing owl mitigation says, *"To adequately avoid active nests, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31) and 160 feet during the non-breeding season."*

According to available research, a 250-foot "clear" setback (i.e., no human activity or improvements) appears to be adequate for a WLCSP-SJWA buffer (McElfish 2008). This buffer shall be enhanced by an additional setback of buildings, and by the presence of the CDFW Conservation Buffer Area, which was originally purchased to provide a buffer between Mystic Lake and development in Moreno

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Valley. A minimum 250-foot setback is supported by a compilation of available academic and scientific literature and studies on wildlife impacts from diesel emissions, and the distance established in nesting bird surveys for setbacks from human activity. An additional 150-foot building setback will help provide an additional buffer from building lighting and noise.

Planned uses within the 250-foot buffer will include several linear detention facilities with spreading features. These detention basins will receive storm flows and nuisance flows from existing debris basins within the WLCSP that will treat the first flush flows during storm events. This treated water will then enter the detention basins with spreading features, which will provide sufficient hydrology to support native riparian habitat. The riparian habitat may be created as part of the necessary mitigation requirements for regulatory permitting. This will provide a significant patch of native riparian habitat, which will reduce off-site impacts associated with light, noise, and air quality. Other activities than may occur within the 250-foot buffer area include barrier fencing and maintenance roads to access the detention basins. In addition, a 150-foot building setback will be extended from the edge of the detention basins to the nearest building footprint. This area will contain landscape vegetation, access roads, parking facilities, and other development not including structures.

A total setback of 400 feet within the WLCSP for any permanent buildings shall be enforced on the southern and eastern boundary of the WLCSP. This setback shall provide an additional buffer from building lighting, noise, and air quality concerns. The 400-foot distance to buildings from the boundaries of the Specific Plan will effectively mitigate potential direct and indirect impacts on the SJWA and Criteria Cells to indirect noise, light and air quality impacts associated with both the construction and operation of the facilities.

With regard to toxics, the Habitat Assessment and MSHCP Consistency Analysis (FCS-MBA 2013 – FEIR Volume 2, Appendix E-1) provides the following:

“Development plans for the WLCSP and offsite facilities shall be designed to include Water Quality Best Management Practices (BMPs) such as vegetated earthen channels, storm drain stenciling, street sweeping, and education. Detention basins shall be designed to filter potential toxics in the storm water. These BMPs shall be implemented as part of the storm water pollution prevention measures for the project, in accordance with all appropriate National Pollutant Discharge Elimination System (NPDES) requirements.

Development of the WLCSP and offsite facilities would most likely result in the additional use of hazardous materials in limited quantities associated with normal logistics use such as janitorial and cleaning products, solvents, herbicides, and insecticides. However, compliance with regulations, standards, and guidelines established by the Environmental Protection Agency (EPA), State, county, and local agencies relating to the storage, use, and disposal of hazardous waste shall reduce the potential risk of hazardous materials exposure to a level that is less than significant.

A Health Risk Assessment (HRA) (MBA 2013) was completed for the project to analyze human health risks associated with airborne hazards. A HRA is a guide that helps to determine if current or future exposure to a chemical or substance could affect the health of a human population.

Comparable data on these types of air quality exposures in wildlife is difficult to obtain, although there are a number of studies from Europe that infer that air quality emissions can cause both genetic changes and nutritional stress in birds and mice (Dudley and Stolton 1995; Gordon et al. 2012; Constantini 2006; Solomon et al. 1998). The results of these studies are not comparable to the exposures at the WLCSP and no scientifically proven statements can be made on the effects to wildlife. Therefore, because the impacts are speculative, no mitigation measures can be specified.

Impacts to Lake Perris SRA would be well beyond any proven spread of toxics. The Lake Perris area would be protected by prevailing winds that would remove any air driven toxics from that area. In addition, the Lake Perris area would not be impacted by any waterborne toxics as the majority of the drainages flow around this area has no direct connectivity with the Lake Perris watershed.

The distances to the hunting clubs are well over 5,000 feet from the WLC boundary and the land use within the WLCSP will not affect the hunting club or the land use within the SJWA. In addition, the potential for airborne toxics to spread that distance is unlikely as 300 to 1,000 feet of dispersion is a more recognized number. Waterborne toxics would be captured by the detention basins planned at the southern end of the WLCSP. These basins by design would provide for bio-treatment of the water and still allow existing flows to continue offsite. The treated flows through the basin system would provide for better water quality than that which is currently happening across the WLCSP and the CDFW Conservation Buffer Area with continuing agriculture.

Sections 2.5 and 4.2.4 of the Specific Plan explain in detail land uses that are prohibited and permitted within setbacks as well as the overall layout of said setbacks. MM 4.4.6.1A further outline permitted uses within the minimum 250-foot clear setback along the southern property line of the WLCSP, both east and west of the SDG&E natural gas compressor plant. Permitted uses within or adjacent to this setback area include landscaping, drainage and water quality facilities, fences and walls, maintenance access drives, and similar related uses.

MM 4.4.6.1A prohibits parking lots within the 250-foot clear setback along the southern property line of the WLC Specific Plan area and the SJWA area. That measure specifies there will be no warehouse buildings within 400 feet and no truck activity areas within 250 feet of the SJWA area. It must be remembered this is a programmatic EIR and the project information is at a programmatic level (i.e., no specific information on building sizes or locations), therefore, it would be overly speculative to try to depict the specific locations of improvements or uses within the buffer areas at this time.

The proposed project is not required by state regulations to setback any given distance from the SJWA. State law requires that it is unlawful for any person, other than the owner, person in possession of the premises, or a person having the express permission of the owner or person in possession of the premises, to hunt or to discharge while hunting, any firearm or other deadly weapon within 150 yards (450 feet) of any occupied dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith. (California Fish and Game Code Section 3004.) Additionally, it is illegal to fire a weapon from or over a public road or way open to the public. (California Fish and Game Code Section 3004.) In addition, California Fish and Game Code Section 3000, limits hunting hours. These restrictions relate to the hunter's actions, not allowed land uses. Thus, no "buffer" is required by state law between areas in which hunting is permitted and adjacent areas.

Section 4.4.6.1 of the DEIR examined the potential direct and indirect impacts of air pollution, noise, and light pollution on plants and animals within the SJWA in detail, and determined that the project design and recommended mitigation measures would help assure that potential impacts to these resources would be less than significant. There has been no empirical evidence submitted by the commenter or others that would demonstrate otherwise.

Response to Comment F-11-26. The commenter requests that all County and City trails within five miles of the project site be shown. The WLC should also show how they will educate the public about the de Anza National Historic Trail. The commenter questions how the project will accommodate public transit and how it will bring transit to the area. In addition, the commenter requests bike trails (Class I facilities) be integrated into the WLCSP.

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

Chapter 4, Section B of the TIA discusses the proposed bikeways and multi-use trails in the vicinity of the project site. The commenter requests that trails within five miles of the project site be identified to determine if the project “will cause a breakage in the trail system.” A breakage in the existing trail system would be caused by disrupting an existing trail at the project site. The revised Figure 28 of the revised TIA, copied below as Exhibit F-11-1, shows existing trails within the project site and identifies proposed trails that will connect to the existing trail network. Note that the project would add to the trail system and not break any trails.

The De Anza National Historic Trail traverses the WLC site and much of the southwestern United States (see map below from the National Park Service). 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 Exhibit F-11-3 below). The 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.

The project would include transit-supportive features (see Chapter 12, Section D of the TIA, FEIR Volume 2 Appendix L-1) and it is expected that transit service will be provided once the project reaches a transit-supportable level of operations.

Figure 27 of the TIA shows the proposed bike lanes (Class II) at the project site, which are consistent with the City’s General Plan Policy 5.10.2 to “...maintain Class II and III bikeways as part of the City’s street system.” The on-street facilities will link to bikeways to the west to provide paths between residential areas outside WLC and employment centers within the WLC site (consistent with General Plan Policy 5.10.1).

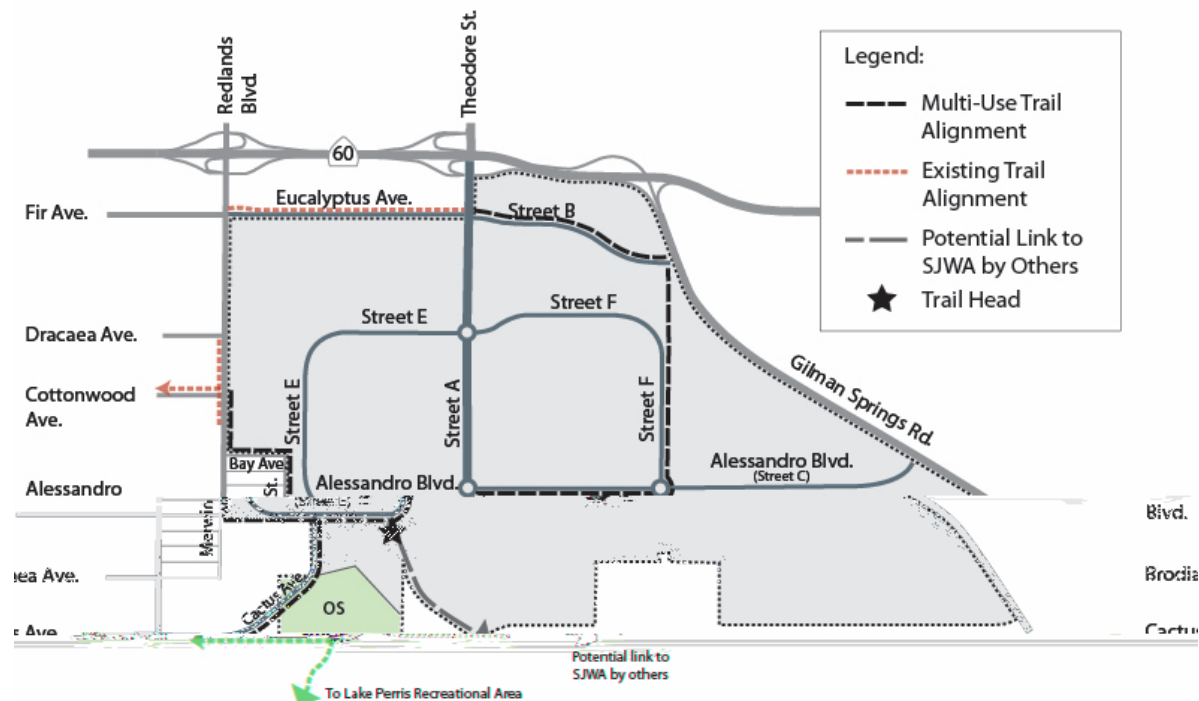
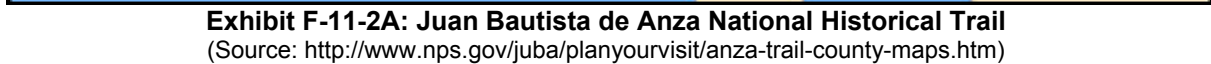


Exhibit F-11-1: Proposed Multi-Use Trails



(Source: <http://www.nps.gov/juba/planyourvisit/anza-trail-county-maps.htm>)

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

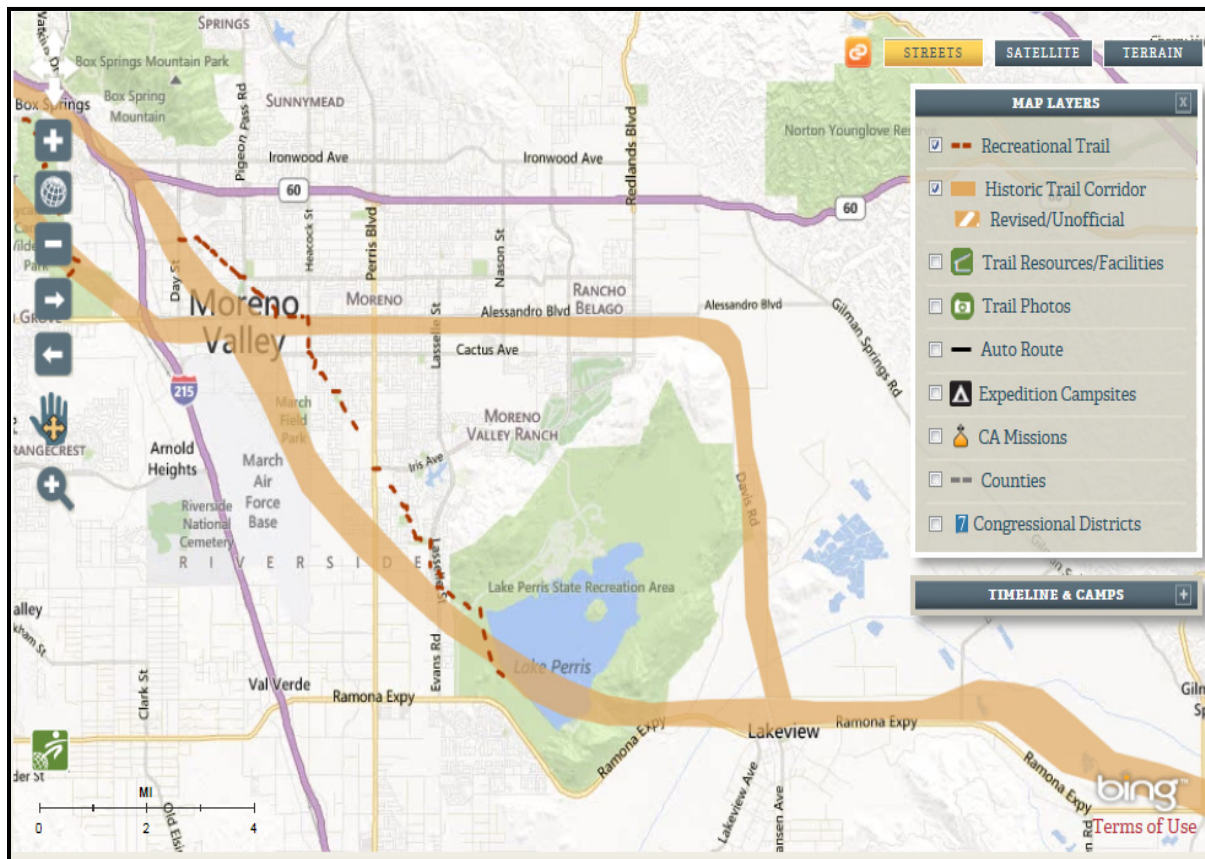


Exhibit F-11-2B: Juan Bautista de Anza National Historical Trail in Moreno Valley
(source: <http://www.anzahistorictrail.org/visit/explorer>)

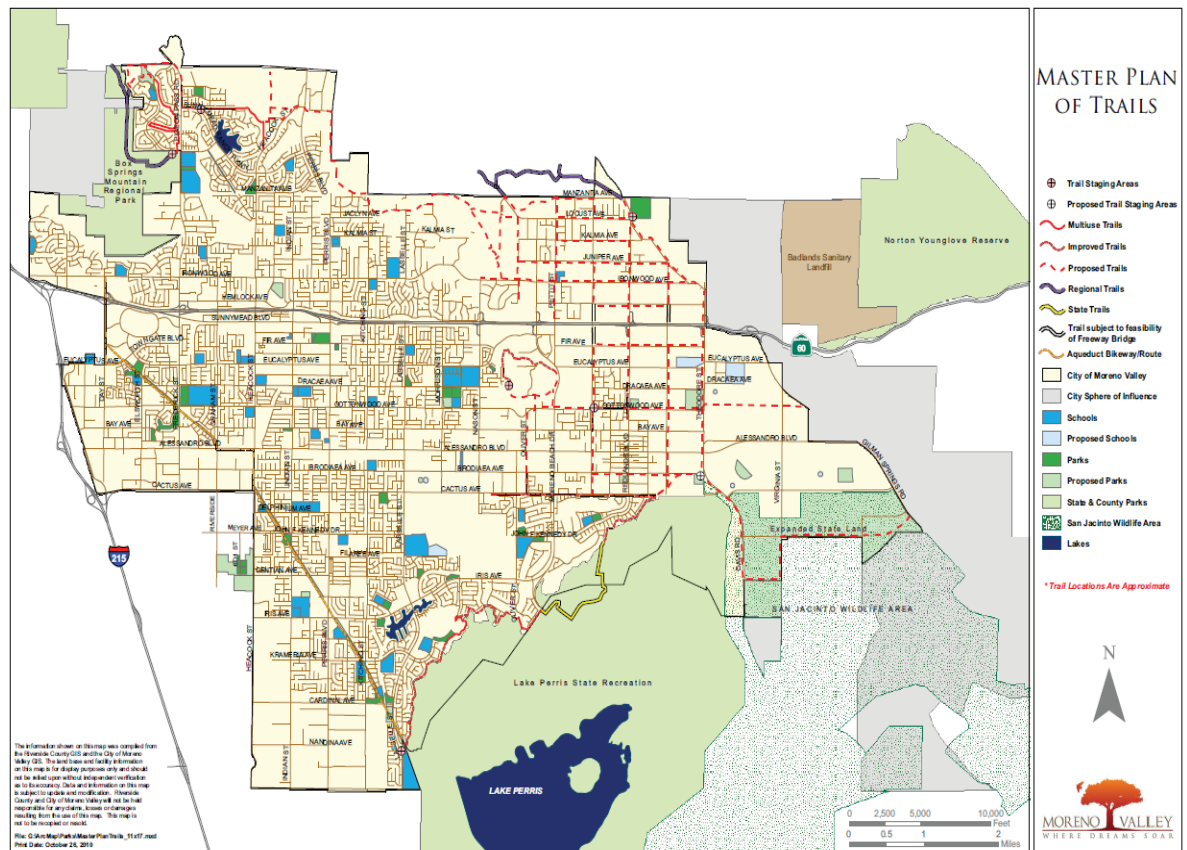


Exhibit F-11-3: City of Moreno Valley Master Plan of Trails

Response to Comment F-11-27. The commenter indicates that the FEIR must analyze the health impacts on the well-being of warehouse workers within the WLCSP, especially those working outside. The FEIR examined both onsite and offsite worker risk pursuant to the Current OEHHA Guidance and found no significant impact. See Section 4.3 of the FEIR for more information.

In addition, there are a variety of state and national programs that protect workers from safety hazards, including high air pollutant concentrations (California Division of Occupational Safety and Health; Centers for Disease Control and Prevention 2012).

Response to Comment F-11-28. MM 4.16.4.6.1C would require LEED certification for the project buildings. LEED buildings would reduce energy and water used by the project. The definition of high-cube logistics warehouse can be found in Section 3.4.6.1 of the DEIR.

Response to Comment F-11-29. As part of the Conditions of Approval assigned by the City to entitle the construction of WLC, the applicant will be required (at its own expense) to construct mandatory infrastructure improvements stipulated by the City to meet the infrastructure demands of the project. These Conditions of Approval will ensure that the Level of Service (“LOS”) available for all local infrastructure impacted by the project will cover a LOS of D for intersections adjacent to freeways or employment centers and a LOS of C for all other services during and after buildout of the project. Further details regarding transportation improvements are included in Section 4.F of the TIA, included in the DEIR.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Please see Response to Comment A-4-4 regarding LEED certification. High-Cube warehouses are defined in the WLCSP on page 13-2 and further defined in the *ITE Trip Generation Manual Land Use 152 (9th edition, 2012)*. The main advantage associated with building such a structure is that it is appropriate for a variety of logistics-related uses and can easily be converted from one industry to another, or from one commodity to another, and is also suitable for light manufacturing. These types of facilities are also appropriate for a single user or for multiple tenants. The commenter is concerned about the mix of modern high-cubed and more standard warehousing in the Project, but while it is impossible at this time to project the actual mix that will be constructed, it is intended that this mix will meet the specific future demands of the logistics marketplace during the buildout process. The intent of the DEIR is to reflect a mix of high-cube logistics facilities with other types of distribution facilities to generate employee per square foot and employee wage data that were provided by a variety of government sources and NAIOP publications as documented throughout the DEIR and in the attached responses to other commenters' questions (see Response to Comment G-49-22). To assume a specific percentage of each type of logistics development within the WLC that differs from these overall averages would be purely speculative.

Importantly, the Development Agreement addresses a Local Hiring Program (LHP) for new employment opportunities within the WLCSP.

Regarding March Inland Port, it is to the benefit of Moreno Valley residents with appropriate experience and skills (as well as similar residents throughout the Inland Empire) that they will have access to two large logistics-based projects within the City at which they may be able to find employment opportunities. As explained previously in responses to other commenters (see Response to Comment G-90-6) the need for additional jobs in the City and the overall Inland Empire is paramount, as the overabundance of residents versus the number of jobs has had a deleterious impact on the quality of life in these areas. The TIA prepared as part of the revised DEIR, addressed the infeasibility of rail (see FEIR Volume 2, Section 4.F of the traffic impact analysis) and the impacts of the WLC on the City's existing infrastructure. Additional information can be found there related to the mitigation of such impacts and the adequacy of the infrastructure once these mitigation measures have been put in place.

The City has addressed the commenter's concerns related to the impact that the Panama Canal expansion will bring to the Inland Empire's warehousing logistics industry in the Response to Comment F-10-7.

Response to Comment F-11-30. Development of the private property within the WLCSP would not occur without the express permission and approval of the property owners (i.e., no other entity could propose or process any development proposals on the owner property without owner's express consent). Please see Response to Comment F-13-9 for information on proposed mitigation measure related to onsite rural residential uses.

Response to Comment F-11-31. A truck stop is not part of the WLC project. The permitted uses for the Logistic Support land use is included outlined in Section 2.2.5 of the WLCSP, a truck stop is not a listed as a permitted use.

Response to Comment F-11-32. The *Water Quality Management Plan* prepared for the project identifies the potential pollutants of concern from the project and identifies bioretention low impact development (LID) BMPs to be constructed to mitigate the impacts of these pollutants. The project will comply with the *Water Quality Management Plan for the Santa Ana Region of Riverside County*, which requires the use of 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 MM 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 for the Santa Ana Region of Riverside County* (approved by the Santa Ana Regional Water Quality Control Board October 22, 2012) 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 Total Maximum Daily Loads (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.” (p. 19)

The *Master Plan of Drainage Report* discusses the existing hydrologic conditions of the site and how flows currently reach the SJWA. In the current condition the storm water runoff from the project generally flows in a southerly direction to the San Jacinto River. A topographic divide located west of Theodore Street separates storm water flows to the San Jacinto River in two directions. Runoff east of the divide flows through the San Jacinto Valley at a gradient ranging from 1 to 2 percent to the San Jacinto Wildlife Area and ultimately drains toward the Gilman Hot Springs hydro-subarea. Runoff west of the divide flows to the Perris Valley Storm Drain at a gradient ranging from 1 to 2 percent and ultimately drains toward the Perris Valley hydro-subarea. Both hydro-subareas eventually flow to the San Jacinto River, approximately 10 miles south of the project site. This topographic divide has been maintained in the project condition. As outlined in the report, Watershed “A” flows to the west to the Perris Valley Storm Drain. Watersheds “B” through “F” drain to the San Jacinto Valley Wildlife Area. The drainage basins and flows leaving the project site have been designed to mimic the pre project condition.

A series of detention/infiltration basins will be constructed to mitigate potential impacts from increased runoff. These basins will be designed to infiltrate increased runoff and release flows through a weir structure that mimics pre-project conditions and provides for flows to reach the SJWA similar to existing conditions.

As outlined in the DEIR Appendix J-1 *Hydrology and Water Quality Master Plan of Drainage Report Section 4.5 Runoff and Infiltration Volumes*, a water balance model was developed based on historical rainfall data to determine the amount of water infiltrated into the ground under existing conditions. The infiltration portion of the detention basins are sized to infiltrate the increased flows similar in quantity to what the existing conditions infiltrate. There will be no net loss of groundwater recharge.

DEIR Appendix G *Geotechnical Preliminary Geotechnical Evaluation for the World Logistics Center Specific Plan* determined the depth to groundwater. As stated in Section 5.0 Conclusions *“Groundwater was not encountered up to the maximum explored depth of 81 feet during our site investigations. Shallow groundwater is not expected to be a factor during site grading.”* The building foundations will be designed based on recommendations from the Final Geotechnical report prepared prior to final design.

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. Pertinent details from this section are presented below:

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

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

significant water supply impacts would occur with implementation of the industrial use, and no mitigation would be necessary.

Metropolitan is currently engaged in planning processes that will identify solutions that, when combined with the rest of its supply portfolio, will ensure a reliable long-term water supply for its member agencies, the EMWD has determined that it will be able to provide adequate water supply to meet the potable water demand for the project in addition to existing and future users. However, until these supplies are secured, potential impacts of the proposed project on regional water supplies may be significant, and mitigation is required.

Specific Plan Design Features. Section 6.0 of the Specific Plan requires the careful use of xeriscape or drought-tolerant vegetation with minimal mechanical irrigation to minimize water use for landscaping. Sections 4.2 and 5.3 require implementation of water-conserving landscaping and Section 5.1.3 provides architectural design guidelines that will help minimize the consumption of water for landscape irrigation.

Mitigation Measures. The following measures are recommended to help ensure that the proposed WLC project will have less than significant impacts on long-term regional water supplies.

4.16.1.6.1A ~~Prior to issuance and recordation of a Final Map approval of a precise grading permit for each plot plan for development within the World Logistics Center Specific Plan (WLCSP), the developer shall submit landscape plans that demonstrate compliance with the World Logistics Center Specific Plan, the State of California Model Water Efficient Landscape Ordinance (AB 1881), and Conservation in Landscaping Act (AB 325). Landscape plans shall be approved prior to issuance of building permits and This measure shall be implemented to the satisfaction of the Planning Division. Said landscape plans shall incorporate the following:~~

- Use of xeriscape, drought-tolerant, and water-conserving landscape plant materials wherever feasible and as outlined in Section 6.0 of the World Logistics Center Specific Plan;
- Use of vacuums, sweepers, and other “dry” cleaning equipment to reduce the use of water for wash down of exterior areas;
- Weather-based automatic irrigation controllers for outdoor irrigation (i.e., use moisture sensors);
- Use of irrigation systems primarily at night or early morning, when evaporation rates are lowest;
- Use of recirculation systems in any outdoor water features, fountains, etc.;
- Use of low-flow sprinkler heads in irrigation system;
- Provide information to the public in conspicuous places regarding outdoor water conservation; and
- Use of reclaimed water for irrigation if it becomes available.

4.16.1.6.1B ~~Prior to issuance of any building permit for development within the WLCSP, the developer All buildings shall submit building plans that demonstrate the project has include water-efficient design features outlined in Section 4.0 of the WLCSP including World Logistics Center Specific Plan. This measure shall be implemented to the satisfaction of the Land Development Division/Public Works. These design features shall include, but not be limited to the following:~~

- Instantaneous (flash) or solar water heaters;
- Automatic on and off water facets;
- Water-efficient appliances;
- Low-flow fittings, fixtures and equipment;
- Use of high efficiency toilets (1.28 gallons per flush [gpf] or less);
- Use of waterless or very low water use urinals (0.0 gpf to 0.25 gpf);
- Use of self-closing valves for drinking fountains;
- Infrared sensors on drinking fountains, sinks, toilets and urinals;
- Low-flow showerheads;
- Water-efficient ice machines, dishwashers, clothes washers, and other water-using appliances;
- Cooling tower recirculating system where applicable;
- Provide information to the public in conspicuous places regarding indoor water conservation; and
- Use of reclaimed water for wash down if it becomes available.

4.16.1.6.1C ~~Prior to issuance of any approval of a precise grading permit for development within each plot plan, irrigation plans shall be submitted to and approved by the WLCSP, the developer shall submit irrigation plans that demonstrate City demonstrating that the development will have separate irrigation lines for recycled water. The irrigation plans shall be approved prior to issuance of a building permit.~~ All irrigation systems shall be designed so that they will function properly with recycled water if it becomes available. This measure shall be implemented to the satisfaction of the City Planning Division and Land Development Division/Public Works.

Level of Impact After Mitigation. *With implementation of the recommended mitigation measures, expected impacts to water supply over the long term will be reduced to less than significant levels.*

A sewer lift station is proposed as identified in DEIR Appendix N-4 *Utilities Technical Memorandum World Logistics Center Specific Plan Sanitary Sewer Analysis*, Exhibit 4. This lift station will service buildings located east of Street A. The pump station is rated at approximately 970 gallons per minute and 85 feet of total dynamic head. The force main is sized at 12 inches.

Response to Comment F-11-33. See Response to Comment F-11-28 addressing comments relative to LEED. See Response to Comment F-3-20 relative to placing additional solar panels on the entire roof top. The WLC project has committed to the use of Tier 4 construction equipment where reasonably available. This is reinforced by mitigation measure MM 4.3.6.2A.

The commenter indicates that the NOP should have mentioned that the consumption of electricity would generate air pollutant emissions. There is no requirement that the NOP contain this information. The DEIR quantifies the greenhouse gas emission contribution from electricity (DEIR Section 4.7, pages 4.7-30 through 4.7-35). This estimation has been slightly updated in the revised analysis due to the project reducing its electricity usage and updated emission factors.

The commenter recommends the following mitigation:

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
Buildings should be LEED Gold.	Partially Incorporated. MM 4.16.4.6.1C requires that buildings be LEED certified. Gold certification is not needed as discussed in Response to Comment A-4-4.
The project should incorporate solar.	Incorporated. MM 4.16.4.6.1C requires solar.
Off-road construction equipment should meet Tier III standards and by 2015 meet Tier IV standards.	Incorporated. MM 4.3.6.2A requires Tier 4 equipment.

Response to Comment F-11-34. The commenter states the project should provide mitigation for loss of agriculture. It should be noted MM 4.2.6.1A has been added to the EIR which will require acquisition of such a conservation easement to preserve offsite farmland or equal or more agricultural productivity compared to the unique farmland (refer to Response to Comment F-7A-39 in Letter F-7A for further information). The commenter also states the air quality analysis should account for loss of the existing agriculture in terms of greenhouse gases (GHG) and air pollution. The GHG analysis does quantify the loss of existing agriculture in the category “land use change” shown in Section 4.7 of the FEIR. The air quality and GHG studies were done using worst case conditions which assume zero onsite air pollutant and GHG emissions so that the project emissions would not in any way be masked or reduced by any existing onsite emissions.

Response to Comment F-11-35. The commenter mentions several issues. Mitigation for loss of agriculture is addressed in Responses to Comments F-11-34 and F-7A-39. The loss of raptor foraging is addressed in Response to Comment F-1-33.

DEIR Appendix J *Hydrology and Water Quality* has been modified to include infiltration areas that will be constructed to provide for mitigation of increased runoff (refer to FEIR Volume 2, Appendix J). A water balance model was developed based on historical rainfall data to determine the amount of water infiltrated into the ground under existing conditions. The infiltration portion of the detention basins are sized to infiltrate the increased flows similar in quantity to what the existing conditions infiltrate. There will be no net loss of groundwater recharge with construction of this mitigation. See also response to Response to Comment F-11-41. Parking lot design will be addressed with future plot plan specific application.

Response to Comment F-11-36. The commenter expresses concern about project truck traffic near schools. The commenter asks why trucks will be allowed to leave the I-215 and head towards WLC on city streets (Alessandro Blvd. or Cactus Ave.) instead of SR-60. He states that the TIA needs to have project trucks going east-west on SR-60 instead of city streets. The FEIR, not just the appendices, needs to show truck routes. The commenter also inquires about the maximum number of trucks that will use the warehouses not just in the first year but when the warehouses are used to their maximum capacity.

As explained in the TIA (Chapter 4, Section B, FEIR Volume 2, Appendix L-1), Alessandro Blvd. will be severed at Merwin Street to prevent use by any project traffic, and the Cactus Avenue Extension will be closed to truck traffic. Trucks from the project going west towards I-215 will route along SR-60 as requested by the commenter. See Exhibit F-11-5 below.

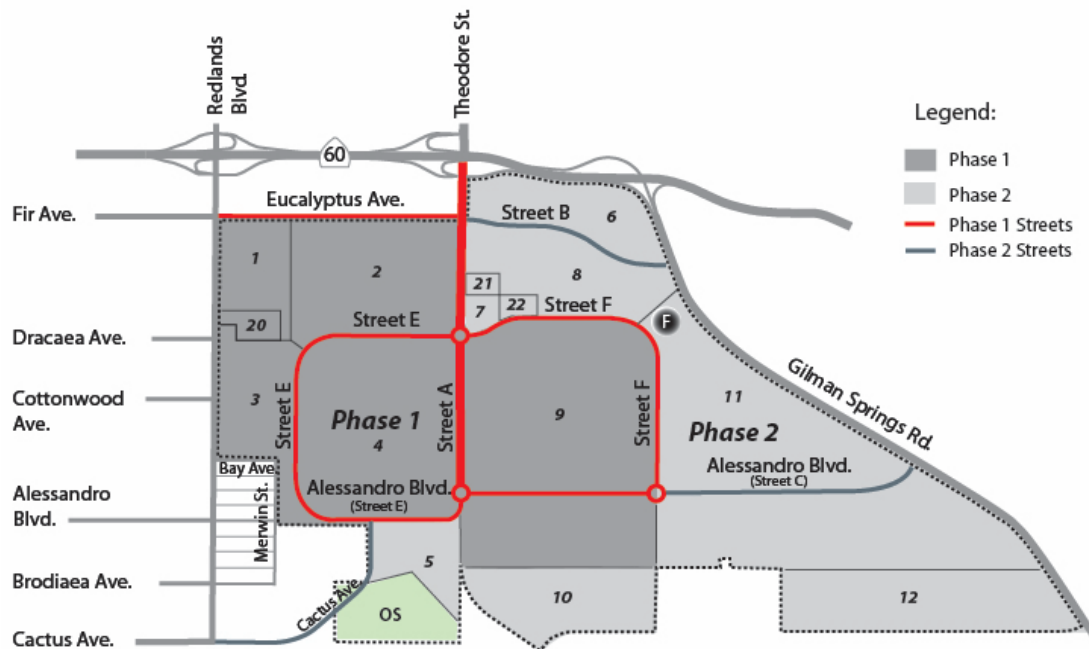


Exhibit F-11-5: Proposed Roadways and Phasing

Also an additional figure (Figure 8) has been included showing the designated truck routes in and around Moreno Valley.

A figure (Figure 47) has been added to the TIA (see Exhibit F-11-6 below) to clarify the relationship between truck routes and school location. The figure is part of a new section (Chapter 12.B) added to clarify that the project will not have safety impacts to nearby schools. In addition, a new memorandum dated July 2014 has been added to show the potential impacts to the proposed high school #5 located north of the SR-60. The memorandum determined that with the previously identified mitigation measures in the WLC DEIR no significant impacts would occur if the proposed school was developed.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

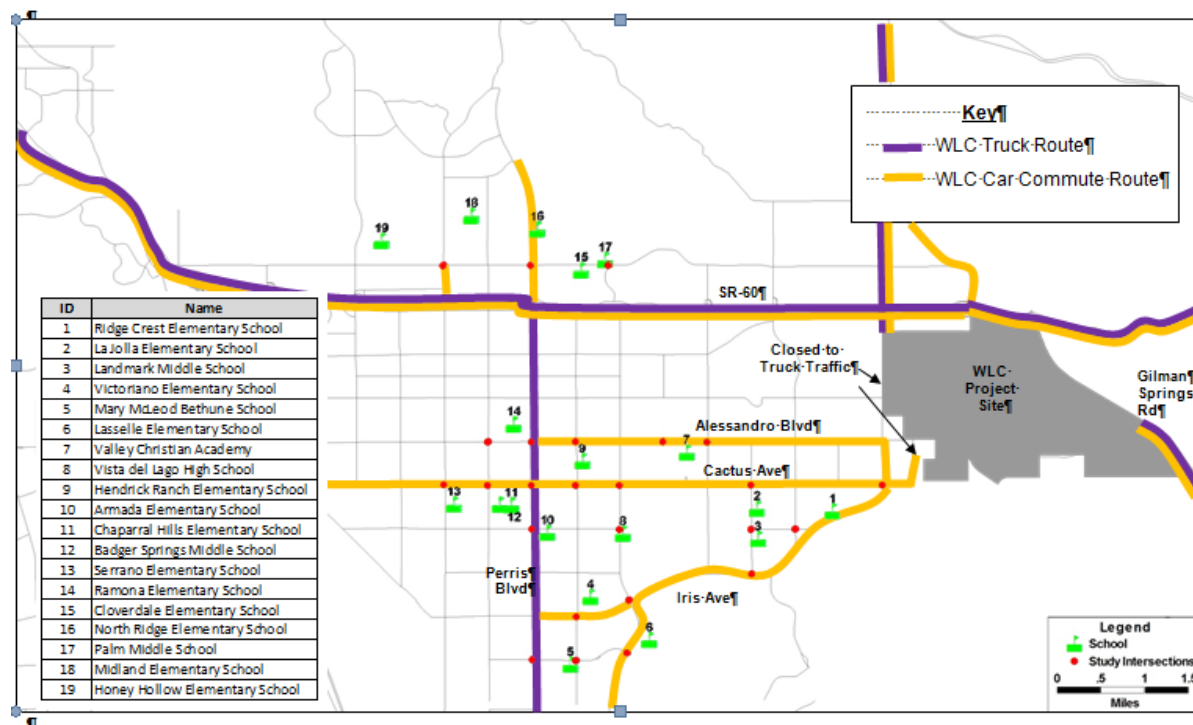


Exhibit F-11-6: Routes Taken by WLC Trips in Relation to Schools

The truck trip generation shown in the TIA (Chapter 4, Section C, FEIR Volume 2, Appendix L-1) is based on surveys of warehouses in full operation as requested by the commenter.

Response to Comment F-11-37. The commenter includes an additional discussion regarding off-site infrastructure needs and their associated costs, as well as requesting proof of the WLC's viability over a 20 year period. As previously stated, the Conditions of Approval mandated by the City in approving the project's entitlements requires the applicant (at its own expense) to construct the mandatory infrastructure improvements as stipulated by City staff. That being said, there is no way to document or guarantee that the project will definitely be viable over a 20-year period, due to the fact that the real estate market is cyclical in nature and changes are inevitable and difficult to predict. While it is inevitable that there will be a greater demand for the project's logistics facilities in some years than in other years, it is important to note that the applicant has sufficient confidence in the overall longevity and success of WLC that it has been and continues to be investing millions of dollars to entitle the project and build the necessary upfront infrastructure. The direct project infrastructure impacts and mitigation measures are identified in Section 11E of the project TIA (FEIR Volume 2, Appendix L-1) and the cumulative impacts and mitigation measures are identified in Section 11F of the project TIA (FEIR Volume 2, Appendix L-1).

Response to Comment F-11-38. Burrowing owl surveys were conducted on the WLCSP study area in 2005, 2006, 2007, 2010, 2012, and 2013. Owls were found during formal surveys only in 2005 and 2013. No more than a single pair has ever been recorded in a single year of surveys. The statement regarding leaving the land undisturbed for at least 6 months is not necessary as the land owner has the right to conduct business on the land for agricultural as that is the current land use. There is no requirement for leaving land fallow prior to surveys under any regulations or guidelines.

With regard to Figure 4.4.5 of the DEIR, the project biologist agrees that there are suitable burrows within the banks of Drainage features 4, 7, 8, and 9. However, burrowing owl has only been observed in Drainage feature 4 during the 2005 survey season. Owls have not been observed within any of the

Drainage features since the 2005 surveys. The owls found in 2013 were found in a road berm on the extreme southern end of the WLCSP (FCS-MBA 2013 – FEIR Volume 2, Appendix E-5). The drainages, with the exception of Drainage 9 (the easternmost drainage in Figure 4.4.5) would be removed. Habitat for burrowing owl may be present in the proposed detention basins, but due to the limited number of owls present, it is unlikely for owls to inhabit the area in sufficient numbers to be considered a significant impact under MSHCP guidelines (more than 3 pairs). If burrowing owls are found during any focused survey or during pre-construction surveys, MM 4.4.6.4D would be implemented and the breeding burrowing owls relocated to CDFW approved burrows created in the 250-foot buffer area along the southern edge of the WLCSP.

The comment regarding criteria cells along Gilman Springs Road is valid. There are portions of Criteria Cells 1204 and 1297 that would be within the WLCSP. While exact development strategies have not yet been proposed, the DEIR assumed that the cells would be impacted by construction. Section 5.1.1 of the MSHCP Consistency Analysis document addresses the issue of these criteria cells. The document states the following:

Cell Group X: Criteria Cells 1204 and 1297

Conservation within Cell Group X will contribute to assembly of Proposed Core 3. Conservation within this Cell Group will focus on chaparral, coastal sage scrub, and grassland habitat. Areas conserved within Cell Group X will be connected to habitat proposed for conservation in Cell Groups C to the east, V to the northeast, and to chaparral and grassland habitat proposed for conservation in Cell Group E to the south. Conservation within Cell Group X will range from 65 percent to 75 percent of the Cell Group focusing in the northeastern portion of the Cell Group.

Within the southwestern portion of Cell Group X, and specifically within Criteria Cells 1204 and 1297, the WLCSP development and one potential debris basin encroaches on 114.2 acres of the cells. Under the MSHCP, conservation for Cell Group X is proposed for the northeastern portions of the Cell Group. The WLCSP development is not within the targeted conservation areas and, therefore, will not adversely affect the City/County's ability to achieve the goals of the MSHCP.

All created drainage features will be created with soft-bottom channels. Drainage features that will remain in place include Drainage 9, 12, and 15. All other drainages will be impacted and riparian habitat will be created in the proposed detention basins with spreading features.

Response to Comment F-11-39. New power poles will be designed to eliminate electrocution risk of raptors that perch on power poles. The WLCSP would have no say over the types of power poles placed outside of the boundaries of the respective developments, especially if they are not part of the proposed project development. Replacement of poles, outside of the project footprint, will not be the responsibility of the developer but would fall under the guidelines of the local electric utility.

While we agree that power poles in general greatly reduce the natural component of open spaces areas, properly designed “raptor-safe” power poles can provide perching locations for raptors, increasing their chances for capturing prey.

Response to Comment F-11-40. Figure 4.9.3 Proposed Drainage System on page 4.9-27 of the DEIR has been updated and shows the sizes of pipes carrying storm water. DEIR Appendix M-2 *Water Resources World Logistics Center Specific Plan Water Systems Analysis* Figure 4 shows the recommended water system improvement underground pipelines and their proposed sizes and the *World Logistic Center Recycled Water Systems Analysis* Exhibit 6 shows the recommended recycled water system improvement underground pipelines and their proposed sizes. DEIR Appendix N

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Utilities *World Logistics Center Specific Plan Sanitary Sewer Analysis* Exhibit 2 shows the recommended sewer system improvement underground pipelines and their proposed sizes.

Response to Comment F-11-41. The DEIR Appendix J-1 *Hydrology and Water Quality Master Plan of Drainage Report* and *WQMP* provide for the construction of bioretention, detention and infiltration areas to mitigate the impacts from the quantity and quality of runoff as discussed in Responses to Comments B-3-37 and B-3-39 in Letter B-3 from the California Department of Fish and Wildlife, including recommended changes to the wording of MMs 4.9.6.1A and 4.9.6.3C (refer to Response to Comment F-5-13) and a new MM 4.9.6.1B (refer to Response to Comment F-5-23) in response to several comments regarding water quality.

Response to Comment F-11-42. The EIR clearly illustrates the 85-acre property which is the subject of the proposed annexation (see Figure 3.6 in the DEIR Section 3.0). The property is located along the easterly side of Gilman Springs Road, northerly of existing Alessandro Road.

As fully explained in DEIR Section 3.4.5, the property to be annexed has been within the City's official Sphere of Influence for nearly 30 years as a result of a formal action by Riverside County's Local Agency Formation Commission (LAFCO) in 1985. That action by the LAFCO established the intent for this property to become part of the City of Moreno Valley. That eventuality has been a part of all planning activities for the Moreno Valley since 1985. The annexation process will complete that process.

The annexation of 85 acres of the WLC project will be processed through Riverside County's LAFCO separately from the planning entitlements which are being processed through the City of Moreno Valley. Part of the LAFCO process requires compliance with CEQA and therefore, the annexation is being addressed in the EIR for the overall WLC project. The current City process will establish zoning for this property, known as "pre-zoning," in advance of LAFCO's final annexation action. Both the CEQA review and the pre-zoning activities will occur before the formal processing with LAFCO.

Response to Comment F-11-43. A Development Agreement will be part of the FEIR and will be available for public review prior to consideration by the City Council. All persons requesting information regarding the WLC project will receive all notices regarding the annexation process.

As discussed in Section 11 of the Specific Plan, each building will require the City's review and approval of a discretionary Plot Plan application which will provide the details of architecture, layout, access, landscaping, elevations, etc. Prior to the approval of any of these Plot Plan applications, a separate CEQA compliance process will be conducted by the City to verify conformance with the overall WLC EIR and to address any site-specific impacts that may not have been addressed in the programmatic document.

Response to Comment F-11-44. The commenter suggests the EIR address the climate change impacts on the project and the projects overall effects on climate change. CEQA does not require that an EIR analyze the impacts of the environment on the project. The DEIR has adequately dealt with all the effects that can be expected from climate change nonetheless consistent with the recommendations to respond to the impacts of climate change outlined in the DEIR Water Supply Assessment (WSA) contained in Appendix M the project has reduced its water supply needs by implementing water use efficiencies throughout the project. These efficiencies include the use of low water use fixtures in the buildings, drought tolerant landscaping and recycled water where available. As outlined in the WSA Section 3.2 *Project Demand* the projected water demand for the project is made up of two components, building demand and irrigation demand. As stated in the WSA, "A majority of the estimated demand would be for landscape irrigation. The developers of this project are proposing very low water use landscaping which would reduce the projected project demand significantly."

Climate Change is discussed in Appendix A of the Water Supply Assessment, Section 7. *“EMWD has considered the impact of climate change on water supplies as part of our long term strategic planning. Climate change has the potential to affect not only local demand and supplies, but to reduce the amount of water available for import. Potential changes that may impact water supply include:*

- *Warmer temperatures leading to higher demand for water within EMWD’s service area and throughout California;*
- *Reduction in the Sierra Nevada snow pack;*
- *Increased intensity and frequency of extreme weather events; and*
- *Rising sea levels resulting in increased risk of damage from storms in the Delta, high tide event and the erosion of levees in the Delta.*

“To limit the impact of climate change, EMWD’s long term planning focuses on the development of reliable local recourses and the implementation of water use efficiency. This includes the full utilization of recycled water and the recharge of local groundwater basins to increase supply reliability during periods of water shortage. EMWD is also focused on reducing demand for water supplies, especially outdoors. Increasing the use of local resource and reducing the need for imported water has the dual benefit of not only improving water quality reliability, but reducing the energy required to import water to EMWD’s service area.”

As discussed above, this project is consistent with these water use efficiencies and MMs 4.16.1.6.1A, 4.16.1.6.1B, and 4.16.1.6.1C will be implemented to mitigate the water supply impacts, including the impacts of climate change on the project, to less than significant.

DEIR Section 4.16.1.6.1 Adequate Water Supply

The City is amending the text in DEIR Section 4.16.1.6.1 to clarify the inclusion of impacts to the project from climate change. This change to the DEIR does not result in a significant impact and has no material effect on the findings of the EIR. The addition to the text of the DEIR is as follows (refer to FEIR Volume 2):

The Water Supply Assessment considered the impact of climate change on water supplies. Climate change has the potential to affect not only local demand and supplies, but to reduce the amount of water available for import. Potential changes that may impact water supply include:

- Warmer temperatures leading to higher demand for water within EMWD’s service area and throughout California;
- Reduction in the Sierra Nevada snow pack;
- Increased intensity and frequency of extreme weather events; and
- Rising sea levels resulting in increased risk of damage from storms in the Delta, high tide event and the erosion of levees in the Delta.

One of the outcomes of climate change could be more frequent limitations on imported supplies. To limit the impact of climate change, EMWD’s long term planning focuses on the development of reliable local recourses and the implementation of water use efficiency. This includes the full utilization of recycled water and the recharge of local groundwater basins to increase supply reliability during periods of water shortage. EMWD is also focused on reducing demand for water supplies, especially outdoors. Increasing the use of local resource and reducing the need for imported water has the dual benefit of not only improving water quality reliability, but reducing the energy required to import water to EMWD’s service area. The project developer is committed to water use efficiency and minimizing the use of potable water for landscape irrigation by using low

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

water use fixtures, drought tolerant plants and recycled water where available as outlined in MMs 4.16.1.6.1A, 4.16.1.6.1B, and 4.16.1.6.1C

Climate change is taken into account as part of the rainfall characteristics and is accounted for in the hydrologic and hydraulic analysis of the drainage facilities. As stated in section 3.2 Design Guidelines of the DEIR Master Drainage Report “Drainage facilities shall be designed in accordance with the Riverside County Hydrology Manual and Design Manual Standard Drawings.” The Hydrology Manual includes the most up-to-date rainfall characteristics as required by the local, state, and federal regulations. The design of the drainage facilities include a factor of safety in the form of freeboard to account for uncertainties due to climate change, rainfall patterns, friction factors and other uncertainties. One foot of freeboard was included in the detention basins and drainage facilities to account for these uncertainties. At the time of final design the amount of freeboard to account for these uncertainties will be finalized. MM 4.9.6.1.A below requires the project to mitigate its impacts, including any impacts to the project as a result of climate change.

4.9.6.1A Prior to issuance of ~~any development~~ any building permit within the Specific Plan area, the developer shall ~~place~~ construct storm drain pipes and conveyances, as well as, combined detention and infiltration basin(s), bioretention areas, and spreading area(s) ~~as appropriate~~ within each proposed watershed, as outlined in the project hydrology plan, to mitigate the impacts of increased peak flow rate, velocity, flow volume and reduce the time of concentration by storing ~~increased runoff for a limited period of a time and release the outflow at a rate that does not exceed the pre-development condition~~ and infiltrating increased runoff for a limited period of time and release the outflow at a rate that does not exceed the pre-development peak flows and velocities for the 2, 5, 10, 25, and 100-year storms and volumes as assessed in the water balance model for historical conditions. For the purpose of this mitigation measure, the term “construct” shall mean to substantially complete construction so as to function for its intended purpose during construction with complete construction prior to occupancy. Field investigations will be conducted to determine the infiltration rate of soils underlying the proposed locations of bioretention areas and detention basins. The infiltration rate of the underlying soils will be used to properly size the bioretention areas and detention basins/infiltration basins to ensure that adequate volumes of runoff, in cumulative total for all bioretention areas and detention basins are captured and infiltrated. The water balance model will be updated and rerun for the site-specific conditions encountered to confirm the water balance. This measure shall be implemented to the satisfaction of the City Engineer. Energy dissipaters shall be used as the spillways of basins to reduce the runoff velocity and dissipate the flow energy. Drainage weir structures shall be constructed at the downstream end of the watersheds flowing to the San Jacinto Wildlife Area to control the runoff and spread the flow ~~in such a way~~ that the flows exiting the project boundary will return to the sheet flow pattern similar to the existing condition. Detention basins and spreading areas shall be designed to account for the amount of the sediment transported through the project boundary so that the existing sediment carrying capacity is maintained.

DEIR Section 4.9.6.1 Drainage Pattern and Capacity-Related Impacts Project or Specific Plan Design Features

The City is amending the text in DEIR Section 4.9.6.1 to clarify the inclusion of impacts to the project from climate change. This change to the DEIR does not result in a significant impact and has no material effect on the findings of the EIR. The addition to the text of the DEIR is as follows (refer to FEIR Volume 2):

These facilities will be designed based on the most up-to-date hydrology based on the latest rainfall to runoff patterns in compliance with local, state, and federal regulations. The design of the drainage facilities include a factor of safety in the form of freeboard to account for uncertainties due to climate change, rainfall patterns, friction factors and other uncertainties. One foot of freeboard was included in the detention basins and drainage facilities to account for these uncertainties. At the time of final design the amount of freeboard to account for these uncertainties will be finalized. The facilities are being designed to provide both detention and infiltration to mitigate increases in runoff volume, velocity and peak discharge as outlined in the following mitigation measure.

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 MM 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 effects of climate change on pollutant loadings and residence time will be addressed in accordance with the requirements at the time of final design. LID BMPs have been shown to maximize the benefit for improved water quality. This would include the design based on the appropriate pollutant loads for the project from all sources including climate change.

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.” (p. 19)

DEIR Section 4.9.6.3 Operational Related Water Quality Impacts Treatment Control BMPs

The City is amending the text in Draft EIR Section 4.9.6.3 to clarify the inclusion of impacts to the project from climate change. This change to the Draft EIR does not result in a significant impact and has no material effect on the findings of the EIR. The addition to the text of the Draft EIR is as follows (refer to FEIR Volume 2):

All development within the project will be required to incorporate on-site water quality features to meet or exceed the approved Master WQMP's water quality requirements identified previously. This would include the design based on the appropriate pollutant loads for the project from all sources including climate change.

The commenter discusses background information on climate change. The DEIR contains background information on climate change (DEIR Section 4.7, pages 4.7-1 through 4.7-5).

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The commenter also indicates that climate change should be taken into account when addressing the impact of the project on air quality, water supply, flood hazards, and biological resources.

Regarding air quality, please refer to Response to Comment F-1-74. Water supply and flooding issues are addressed in general in Responses to Comments G-4A-1 through G-4A-7 in Letter G-4A, Response to Comment D-1-1, and Response to Comment F-5-17.

Impacts to biological resources are addressed in general in the Responses to Comments to Letter B-3 (State Department of Fish and Wildlife) and Responses to Comments F-7A-25 through F-7A-36.

Response to Comment F-11-45. The commenter suggests mitigation measures to reduce greenhouse gases, as discussed below:

Suggested Mitigation Measure	Response
Project buildings meet LEED Gold certification.	Partially Incorporated. MM 4.16.4.6.1C requires LEED certification for the buildings. However, Gold certification is not needed as discussed in Response to Comment A-4-4.
Design buildings for passive heating and cooling, natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.	Already Included. Page 4.16-39 of the DEIR states, "The project will encourage passive heating and cooling opportunities into the design or modification of the high-cubed warehouse developments and ancillary land uses." MM 4.16.4.6.1B would place skylights where it does not affect placement of solar panels and has been edited to include this measure.
Design buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.	Incorporated. MM 4.16.4.6.1C requires LEED certification and exceeding Title 24 energy efficiency requirements by 10 percent. MM 4.16.4.6.1B requires energy efficient lighting, appliances, and equipment.
Reduce the use of pavement and impermeable surfaces.	Partially Incorporated. MM 4.16.4.6.1A requires cool pavement, porous materials, or permeable or porous pavement.
Require water re-use systems.	Incorporated. MM 4.16.1.6.1C will provide separate irrigation lines for recycled water.
Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.	Partially Incorporated. As stated in Section 4.3.2 of the WLCSP, street lighting would be high pressure sodium or LED. MM 4.16.4.6.1B requires energy efficient lighting.
Maximum water conservation measures in buildings and landscaping, using drought tolerant plants in lieu of turf, planting shade trees	Already Included. MM 4.16.1.6.1A, 4.16.1.6.1B, and project design features would reduce water use. MM 4.9.6.3A requires tree planting. As discussed on page 4.7-42 of the DEIR, "The Specific Plan indicates that vehicle parking areas are to be landscaped to provide a shade canopy (50 percent coverage at maturity).
Ensure that the project is fully served by full recycling and composting services.	Already Included. MM 4.7.6.1A would confirm that all tenants have recycling procedures set in place and that recycling is available. Composting services may be provided if there is a future need.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
Ensure that the project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.	Not Included. It is not feasible for the project to require certain standards for landfills or wastewater treatment plants. Those facilities will be required to comply with applicable regulations and rules.
Installing the maximum possible photovoltaic array.	Incorporated. MM 4.16.4.6.1C requires solar panels for office-related uses.
Utilize wind energy to the extent necessary and feasible.	Not Included. Wind energy is not necessary for the project because the project would have onsite solar.
Install solar water heating systems to generate all the project's hot water requirements.	Already Included. Instantaneous or solar water heaters are required as part of MM 4.16.1.6.1B.
Install solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations.	Incorporated. MM 4.16.4.6.1C requires solar panels. MM 4.3.6.4A requires electric vehicle charging stations. The electricity for the electric vehicle charging stations could be powered by onsite solar generation. Wind energy is not necessary for the project because the project is incorporating onsite solar.

Response to Comment F-11-46. The commenter recommends the following mitigation measures related to project construction:

Suggested Mitigation Measure	Response
Utilize recycled, low carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials.	Partially Incorporated. MM 4.16.4.6.1C requires LEED certification. In LEED BD+C: New Construction (version 4), points can be earned through building life-cycle impact reduction, building product optimization, building sourcing of raw materials. LEED version 2009 has points for recycled content of material, regional materials, and rapidly renewable materials.
Minimize, reuse, and recycle construction-related waste.	Already Included. The California Green Building Standards Code requires that a minimum of 50 percent of nonhazardous construction and demolition waste be recycled and/or salvaged (Code section 5.408.1).
Minimize grading, earth-moving, and other energy-intensive construction practices.	Partially included. As discussed in the Final EIR, changes to the project description result in reduced construction and grading intensity. While the same quantity of earth moving is expected, the duration over which grading and earth-moving would occur has been extended, thereby reducing daily emissions from equipment and fugitive dust.
Landscape to preserve natural vegetation and maintain watershed integrity.	Partially Included. The majority of the site is used for dry land farming and is disked yearly. There is very little natural vegetation. The WLCSP has committed to use native vegetation to the maximum extent practical (Sections 5.1.8.3, 5.1.8.6, 5.1.8.8, and 5.2.3 in the WLCSP).
Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.	Partially Incorporated. The best available technology is used for the construction equipment. MM 4.3.6.2A requires Tier 4 construction off-road equipment. Alternative fuels

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
	such as natural gas are generally not available; therefore, it is not feasible to require that the equipment utilize alternative fuels.

Response to Comment F-11-47. The commenter recommends the following mitigation measures related to transportation:

Suggested Mitigation Measure	Response
Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles.	Already Included. MM 4.3.6.4A requires that the tenants participate in Riverside County's Rideshare Program. In addition, the measure also requires preferential parking for fuel efficient and carpool/vanpools. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter.
Create a car sharing program within the planned community.	Not Incorporated. The proposed project is not a planned community. In addition, this is not incorporated because Riverside County already has a car sharing program, which the project will participate in pursuant to MM 4.3.6.4A.
Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.	Not Incorporated. There is not expected to be any relationship between tenants at the WLC. As result, there is no need to for individuals to travel between buildings on a routine basis. As such, there is no need for a neighborhood electric vehicle system.
Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations.	Already Included. MM 4.3.6.4A requires electric vehicle charging stations. MM 4.3.6.3C requires an alternative fueling station.
Provide a shuttle service to public transit within and beyond the planned community.	Incorporated. Public transit would be incorporated into the design of the WLC. See Section 3.4.6.2 of the FEIR.
Incorporate bicycle lanes and routes into the planned community's street systems.	Already Included. MM 4.3.6.4A requires Class II bicycle lanes on all project streets.

Response to Comment F-11-48. Please see the Responses to Comments F-7A-67 and F-7A-68 and F-8-118.

Response to Comment F-11-49. The commenter encourages the FEIR to examine all project and cumulative impacts of the project. The DEIR, plus the revised technical studies and revised discussion in the DEIR (FEIR Volume 2), and this FEIR document (Volume 1) provide sufficient information to the decision makers regarding the direct, indirect, and cumulative impacts of the proposed WLC project.

Response to Appendix 1 (General Plan Amendments Summary for Riverside County). The appendix was cited in the comment letter in reference to the comment that the Riverside County General Plan Amendments be included in the cumulative impacts for the project. The appendix was reviewed but the cumulative analysis methodology outlined in Section 2.10, Cumulative Impacts, uses the growth projections method rather than the list of projects method and so the detailed list of development projects in the county provided by the commenter is appreciated but unnecessary.

Response to Appendix 2 (Center for Community Action and Environmental Justice - Truth and Consequences). This appendix provides a collection of information that discusses a range of health effects related to particulate matter and, specifically, diesel particulate matter (PM). The City acknowledges this information and have provided an extensive discussion in the DEIR, the revised analysis, and Master Response-2: Health Effects of Diesel Particulate Matter, which describes the health effects of diesel PM and the potential impacts from the project.

Response to Appendix 3 (Global Trade, Good Movement and the Resulting Health Crisis in the Inland Valleys). This appendix provides a collection of information that discusses a range of health effects related to particulate matter and specifically diesel PM as they relate to goods movement. We acknowledge this information and have provided an extensive discussion in the DEIR, the revised analysis, and Master Response-2: Health Effects of Diesel Particulate Matter, which describes the health effects of diesel PM and the potential impacts from the project.

Response to Appendix 4 (The Press-Enterprise Region: Inland air quality remains almost worst in nation). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air quality in the Inland Empire.

Response to Appendix 5 (L.A./ Long Beach and Riverside Most Polluted in USA Says Lung Association). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air quality in Southern California.

Response to Appendix 6 (Smog May Cause Lifelong Lung Deficits). This appendix provides a description and summary of a long-term health study conducted by the USC called the Children's Health Study.

Information from this study has been added to the revised analysis as discussed in the Master Response-2: Health Effects of Diesel Particulate Matter.

One figure of interest in this appendix is shown on Comment Letter F-11, Appendix 6, page 47, which relates annual lung function growth to ambient PM₁₀ measurements from the USC Children's Health Study. The correlation coefficient—which measures the strength and the direction of a linear relationship between two variables—shows a value of -0.57, which indicates a negative relationship between lung function growth and PM₁₀ concentrations. The square of the correlation coefficient, called the coefficient of determination, is useful because it gives the proportion of the variance (fluctuation) of one variable that is predictable from the other variable. It is a measure that allows us to determine how certain one can be in making predictions from a certain model/graph. For this exhibit, the correlation of determination is 0.32 (square of -0.57). Based on the linear relationship shown in this figure, this value means that only 32 percent of the total variability in the annual function growth can be explained by the linear relationship with PM₁₀ measurements. The remaining 68 percent of the total variation in annual lung function growth remains unexplained. While this figure is of great interest, the relationship between lung function growth and PM₁₀ is not a simple one as depicted in the figure. Factors such as the constituents of the PM₁₀, some of which are fugitive windblown dust, and socioeconomic factors combine to make the relationship much more complicated than the figure depicts.

Response to Appendix 7 (The Effect of Air Pollution on Lung Development from 10 to 18 years of Age). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air pollution effects on youth.

Response to Appendix 8 (Ultrafine particles in air pollution may heighten allergic inflammation in asthma). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air pollution correlation with asthma.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Appendix 9 (The Effect of Air Pollution on Lung Development from 10 to 18 years of Age). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air pollution effects on youth.

Response to Appendix 10 (USC Study Finds Air Pollution Exposure at Schools Linked to Childhood Asthma Development). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air pollution correlation with asthma.

Response to Appendix 11 (Untitled by ClickGreen staff. Published Sun 18 2011 10:47). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air pollution.

Response to Appendix 12 (California Watch - Southern Californians at risk of death from air pollution, EPA says). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air quality in Southern California.

Response to Appendix 13 (Hearts and air pollution: Five deadly air pollutants on five continents). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air pollution correlation with heart attacks.

Response to Appendix 14 (Big Air Pollution Impacts on Local Communities: Traffic Corridors Major Contributors to Illness from Childhood Asthma). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air pollution correlation with asthma.

Response to Appendix 15 (Latino Communities Hardest Hit by Air Pollution). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air quality impacts on Latino communities.

Response to Appendix 16 (Pollution During Pregnancy Linked to Lower IQ). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air quality impacts on pregnant mothers.

Response to Appendix 17 (Pregnant mothers at risk from air pollution). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air quality impacts on pregnant mothers.

Response to Appendix 18 (Determination of Elemental Carbon and Organic Carbon Concentrations During the Southern California Children's Health Study, 1999-2001). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air pollution effects on youth.

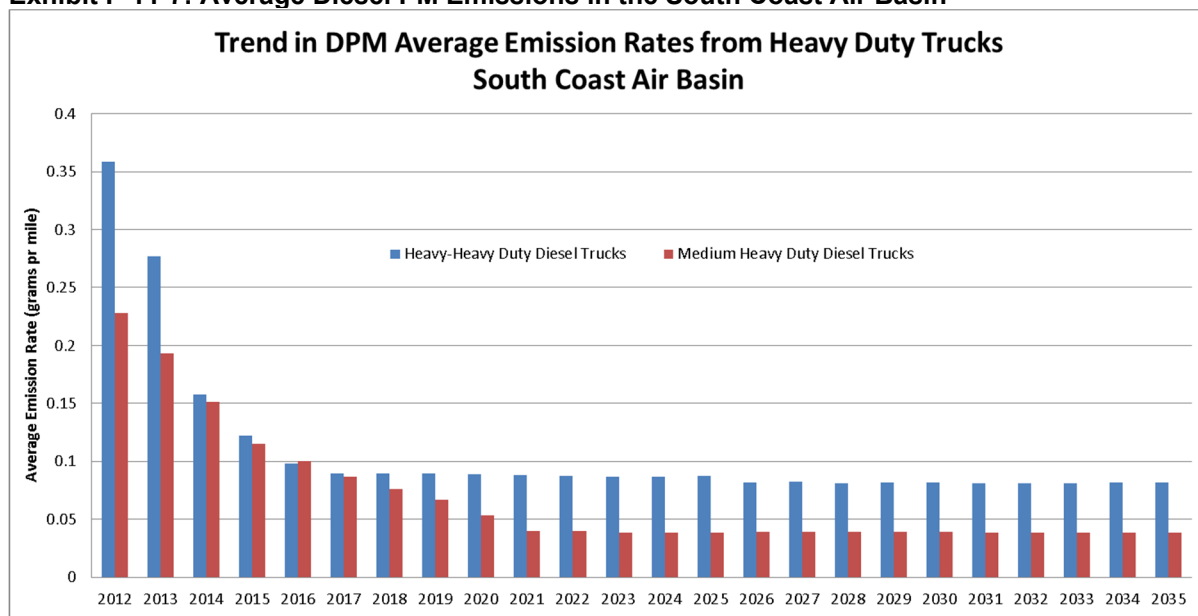
Response to Appendix 19 (Inland air hard to swallow for youth). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air pollution effects on youth.

Response to Appendix 20 (Region's smog stunts young lungs). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to air pollution effects on youth.

Response to Appendix 21. This appendix examines the relationships between the growth in logistics industry in the Inland Empire and associated societal cost due to increased pollution-caused health effects.

While providing an interesting discussion of the relationships between the growth of the logistics industry and societal costs, the analysis does not take into account that emission controls on diesel trucks already mandated by the ARB, which have resulted in substantial decreases in emissions of PM_{2.5} in the past 5 years and will continue to do so in the next 10 years. This is shown clearly in Exhibit 16 of the revised analysis (Exhibit F-11-7 below), which shows the trends in large truck vehicle emission rates for diesel PM in the South Coast Air Basin.

Exhibit F-11-7: Average Diesel PM Emissions in the South Coast Air Basin



In addition, Exhibit 2 of the revised analysis (Exhibit F-11-8) below shows the historical trends from 2001 to 2012 for PM_{2.5} in the Inland Empire. PM_{2.5} is often used as a surrogate for diesel PM. The exhibit shows definite downward trends in PM_{2.5} at all locations despite the large increase of the logistics industry in the Inland Empire as identified in this appendix. This then calls into question some of the conclusions reached in this appendix regarding future PM_{2.5} levels and associated societal costs.

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

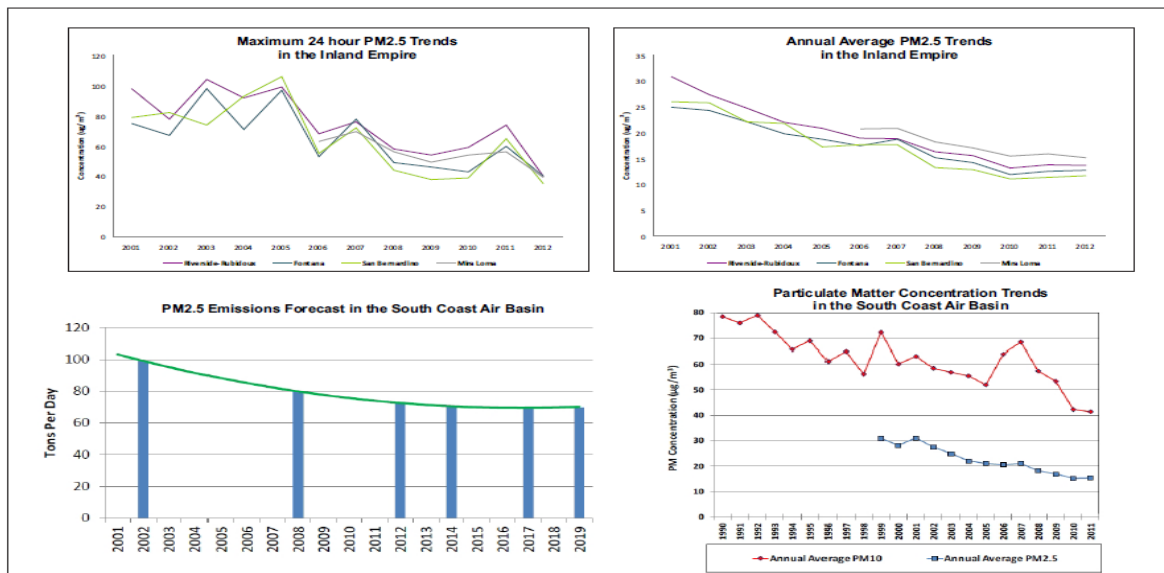


Exhibit F-11-8: Downward Trends in PM2.5

Letter F-12: George Hague e-mail (April 8, 2013)

From: George Hague [mailto:gbhague@gmail.com]
Sent: Monday, April 08, 2013 5:26 PM
To: Mark Gross
Cc: John Terell
Subject: World Logistic Center(WLC) Draft EIR comments

Letter F-12

<http://www.pe.com/local-news/riverside-county/moreno-valley/moreno-valley-headlines-index/20130407-moreno-valley-community-forum-addresses-draft-charter-process.ece>

Good evening Mr Gross,

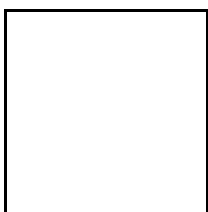
An additional comment on the World Logistic Center's DEIR. The article on this page is about the City Council of Moreno Valley rushing to produce a Charter for the City. Will such a Charter allow the WLC to have the land proposed for the project zoned for warehousing or to allow for no zoning? How could such a City Charter help the WLC developer realize his dream of 41,600,000 sq ft of warehousing? Please keep me informed of all meeting notices and future documents related to the World Logistic Center (WLC). I assume you received my hard copy delivered to the City earlier today.

1

Thank you,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

MORENO VALLEY: Community forum addresses draft charter process



Lora Hines/STAFF PHOTO

From left, Moreno Valley resident Aja Smith, blogger Gordon Tucker, activist Craig Givens, Councilman Richard Stewart, activist Curtis Gardner and resident Tyrone Harris lead a community forum about the city's effort to draft a Moreno Valley charter.

5 1 2



A Text Size

[BY LORA HINES](#)

April 07, 2013; 05:48 PM

[Comments \(2\)](#)

Moreno Valley residents who attended a Sunday, April 7, community forum asked why the City Council appears to be rushing to put a proposed city charter on the November ballot.

About two dozen residents listened as Councilman Richard Stewart explained how a City Council subcommittee made up of him, Mayor Tom Owings and special advisor and attorney Michael Geller are drafting what could become Moreno Valley's constitution. The committee, which has met twice, wants to have a draft prepared by June, Owings said last week.

A charter would be similar to a city constitution. Charter cities have "home rule" over municipal affairs, which trumps state rules governing the same topics.

The subcommittee, which will meet at 1:30 p.m. Wednesday, April 10, at City Hall, has said that Moreno Valley's charter will be modeled after those of other cities, including Riverside.

"A charter by itself is not a threat to anyone," Stewart said. "It's what's in the charter."

Residents Craig Givens and Curtis Gardner, members of a group called Concerned Citizens of Moreno Valley, questioned why city officials want to push a document that could define roles, including those of the mayor, city council and city manager, set terms limits and regulate campaign financing. They urged residents to sign their petition asking voters whether Moreno Valley should become a charter city. If so, Givens and Gardner's group thinks voters should determine whether a 15-member residents' commission drafts a charter, instead of the City Council.

"They are rushing through this process," Givens said. "This method of trying to do this in two months, there's something fishy about that."

He said the subcommittee must complete the draft by June in order to hold two mandated public hearings in time for it to be submitted by an August deadline for the November ballot.

"That's why they're in a rush," Givens said. "The train has left the station. They are in a rush to ram this down our throats."

Residents agreed, describing the move as a power grab, and repeatedly asked Stewart for an explanation. They also said they believe a draft charter already exists.

Stewart denied that a draft charter already is complete. He also said he didn't know until last week that the draft charter was to be completed by June. Stewart said he believes Owings and the other council members are eager to move and don't want to waste time.

Stewart said he supports the City Council's subcommittee effort to draft a charter because large groups like the one Givens and Gardner are proposing can be difficult to manage. He said public participation also is hard to garner.

Givens disagreed.

"A charter could be great thing if done by residents," he said. "If a charter is done the right way, no developer can help a few people get elected and then run the city. The citizens would have the power to limit the administration and politicians from running your city."

Resident Scott Heveran said he thinks the city's charter should allow for residents to determine the city's vision.

"We have a city manager whose vision is for warehouses," he said. "It's like warehouses or nothing. We need a charter so we can vote for a person who has our vision for the city."

Heveran and other residents said they want similar charter forums to be held throughout the city. They also encouraged each other to read drafts that have been posted to the city's website and email Stewart and Owings.

Follow Lora Hines on Twitter: @LoraHines and online at <http://blog.pe.com/moreno-valley/>

RESPONSES TO LETTER F-12

George Hague

Response to Comment F-12-1. The commenter has provided an article he obtained from the *Press Enterprise* newspaper which provides an account of a Moreno Valley Community Forum held on April 7, 2013 addressing a proposed draft City Charter. The letter or the article does not mention the WLC project by name therefore, the comment does not apply to the WLC project.

The City will keep the commenter informed of any future meeting notices and future documents as they become available for public review. The hard copy of your comment letter F-11 was received by the City and responded to in this FEIR (refer to Volume 1).

Letter F-13: Johnson & Sedlack on Behalf of Sierra Club, Moreno Valley Group & Residents for a Livable Moreno Valley (April 8, 2013) and Appendix 1–5 (On Flash Drive)

Johnson & Sedlack

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April 8, 2013

VIA EMAIL

City of Moreno Valley, Planning Division
 Community & Economic Development Dept.
 Attn: Mark Gross
 Senior Planner
 14177 Frederick St.
 P.O. Box 88005
 Moreno Valley, CA 92553
 (951) 413-3206

RE: World Logistics Center Project, Comments on Draft EIR (SCH#2012021045)

Greetings:

On behalf of the Sierra Club, Moreno Valley Group, and Residents for a Livable Moreno Valley, I hereby submit these comments on the World Logistics Center Project Draft EIR opposing that Project.

GENERAL COMMENTS

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

Unfortunately, the Draft EIR for this Project fails as an informational document. The EIR misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. On top of these inadequacies, the Draft EIR is almost constantly conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusions. The findings are also not supported by substantial evidence in the record, but rather only by the

baseless conclusions cited in the EIR.

PROJECT DESCRIPTION AND SUMMARY

The proposed Project would result in the construction and operation of approximately 41.6 million square feet of distribution warehouse uses on 2,710 acres, plus an additional 1,104 acres for open space and public facilities, for a total Project footprint of 3,918 acres. It must be noted that 1,085 acres of the open space area are apparently owned by the California Department of Fish and Wildlife and SDG&E, and would be designated as Open Space anyways in the City's General Plan. The only real change to the 1,085 acres would be their change to "Specific Plan" designation. Hence the Project *really* proposes 2,710 acres of warehousing and 19 acres of *additional* open space *and/or* public facilities compared to what would exist without the Project.

2

USE OF PROGRAMMATIC EIR

The Draft EIR is prepared as a "programmatic EIR." A "program EIR" is one which may be prepared on a series of actions that can be characterized as one large project and are related in specified ways, such as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. Cal. Code Regs., tit. 14, § 15168, subd. (a)(4). A program EIR is designed to (1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action, (2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis, (3) Avoid duplicative reconsideration of basic policy considerations, (4) Allow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and (5) Allow reduction in paperwork. Cal. Code Regs., tit. 14, § 15168, subd. (b). A prior EIR may then be relied upon where effects were examined at a sufficient level of detail in a prior EIR to allow effects to be mitigated or avoided by site specific revisions. (Pub. Res. C. § 21094(a))

3

The programmatic EIR in this instance fails to accomplish these goals. Instead, the programmatic EIR here appears to have been chosen to temporarily avoid specificity in the document and certain mitigation and then, later, rely on the lack of evaluation and mitigation to make subsequent CEQA approvals. If portion of the Project is later determined to be consistent with this EIR, then much of the future review set forth in the mitigation measures will not be required. For example, if a building approval is deemed not discretionary but instead a ministerial or design review issue, then MM 4.15.7.4A requiring a further traffic study could be avoided. This misuse of the environmental review process must not be condoned.

4

The use of a Program level EIR renders it impossible to fully comprehend the effects of this Project.

DEVELOPMENT AGREEMENT AND PROJECT DESCRIPTION

5

The EIR fails to disclose, discuss, or evaluate the Development Agreement or any Project plans. Without such disclosure and discussion, it is impossible to evaluate the Project's potential

effects. The EIR must be amended to incorporate and evaluate these documents and then re-circulated.

5

MITIGATION

The EIR fails to incorporate program-wide mitigation measures which commit the City to actually reduce the effects of this Project. CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, **all feasible mitigation** must be adopted. In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. This has not been done with this Project. For example, the only mitigation adopted for the loss of 2,610 acres of significant agricultural land is a 5 acre dedication for “heritage farming.” Additional feasible mitigation is available even at this “programmatic” level, as set forth herein.

6

CEQA also requires that all mitigation measures in an EIR be fully enforceable, certain to occur, and not deferred. (Public Resources Code § 21081.6; Cal. Code of Regulations, Tit. 14 §§ 15074.1, 15097.) Deferral of mitigation is only permissible when mitigation is known to be feasible but, for practical reasons, it is not feasible to prescribe specific mitigation measures in the EIR. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 94) For those impacts not susceptible to precise mitigation measures at a more general planning stage, an agency may commit to making project advancement contingent on meeting *specific performance criteria set forth for future mitigation measures*. (*Id.*, *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 376-377.) This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable mitigation measures. For example, mitigation measure 4.4.6.1B defers the preparation of biological assessments for non-covered MSHCP listed or sensitive species without reason, and without incorporating enforceable performance criteria.

7

Many mitigation measures set forth in the World Logistic Center EIR require nothing more than the preparation of a future study or rendering with *no specific performance criteria for future mitigation measures*. For example, Mitigation Measure 4.1.6.1B requires no actual mitigation, but only that visual renderings be provided. There is no requirement that these visual renderings demonstrate the application of specific design criteria or performance criteria, or in fact *reduce aesthetic impacts at all*. MM 4.1.6.3A, 4.1.6.4A, and 4.1.6.4B are similarly useless in *mitigating* aesthetic impacts versus merely *documenting* potential effects.

8

These are just a few examples of the lack of commitment to mitigate the impacts expected with to result from this Project.

PROPERTIES WITHIN THE PROJECT

The Project site would encompass seven existing residential properties and associated ranch/farm buildings.. The impacts to the holdings is seldom touched upon, let alone evaluated, in the EIR. For instance, noise, health risks, traffic, and other impacts to the residences are not considered and would be significantly greater than those impacts experiences at nearby residences.

9

CUMULATIVE EFFECTS

One of the biggest deficiencies in the EIR relates to cumulative effects of the Project for each and every impact considered. An effect is cumulatively considerable if the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and the effects of probable future projects. (Guidelines § 15064 (h)(1)) The EIR gives short shrift to the consideration of cumulative impacts. The EIR fails to discuss the Project's impacts in conjunction with other proposed, past, or current Projects. The EIR also often finds impacts not cumulatively considerable on the basis that such impacts were found not individually significant. This completely disregards the purpose of CEQA requiring that an EIR consider whether impacts may be cumulatively considerable, even if they are not individually significant. The EIR fails as an informational document by failing to sufficiently evaluate the cumulative impacts of this Project.

10

REGIONAL EFFECTS

The EIR does not adequately evaluate this Project's impact to the region. As commented by SCAQMD, this Project represents 25% of *all* planned warehouse space in the region. However, the EIR looks only limitedly to impacts such as traffic and air quality, failing to evaluate Project regional effect to highways such as SR-60, to the Port of Long Beach, and persons among the predicted routes this Project will use, among others. The EIR also understates the impact regionally to growth inducement. Given the scale of this Project, mitigation measures which may not be available to a smaller Project may be feasible for this Project. For example, this Project may employ alternative fuels by providing the infrastructure for so doing. Likewise, this Project would support the development of a reclaimed and recycled water line from EMWD, particularly where one exists near the Project. Connection to a recycled water supply must be required of this Project.

11

PROJECT CONSTRUCTION

Project construction is predicted to occur for ten years and may occur 24 hrs/ day, 7 days a week. Any evaluation of construction as a "temporary" impact does not give adequate consideration to this impact on sensitive receptors or biological resources. Moreover, any construction Phasing is *not* required, so that at any one time far greater construction effects could be felt. Furthermore, the estimated equipment amount is not the set maximum, and additional equipment may be used to construct faster. Actual impacts of construction should be considered permanent for 10 years and overlap of "phases" and equipment use must be considered in determining predicted effects. The EIR fails as an informational document by relying on, but not requiring, phasing.

12

For these reasons and the specific reasons outlined below, the EIR completely fails to provide the public and decision-makers with needed information about this Project's significant environmental effects. The EIR also fails to adopt certain mitigation all feasible mitigation to

13

reduce the Project's significant effects. To the extent these deficiencies may be remedied, the EIR must be substantially amended and recirculated.

13

Aesthetics

With regards to the figures provided in the Aesthetics portion of the EIR, it is difficult if not impossible to evaluate this Project's aesthetic impacts without additional and more detailed renderings and elevations. Given that the Project is one cohesive Project it is not clear why the EIR was prepared now rather than when such site plans are available (other than to misuse the program level EIR, as described above). Site plans should be included and aesthetic impacts thereon evaluated.

14

Vegetation at installation should be more visually appealing and mature, given the 15 years to plant maturity. The EIR does not cite any reason why it was decided that trees will only be planted to soften, but not block, views of future buildings. Taller trees may be required to fully obscure building views.

15

The EIR finds the Project consistent with General Plan policies and objectives despite the fact that development will obscure and decimate many visual features. The EIR also finds the Project consistent with General Plan policies without considering that two of those policies relate to scenic roadways, which will be significantly impacted. The finding of consistency with the General Plan policies is unsupported.

16

Furthermore, re: scenic vistas, while the City's General Plan allows development in the Project area, such development would be less than half the height of this development and would likely occur over a much longer period of time. The claim that this "change in views...is anticipated in the City's General Plan" (p. 4.1-65) is not supported.

17

The conclusion that the WLCSP is consistent with the Community Development Element of the General Plan (p. 4.1-71) is likewise unsupported. The Project does not "promote a mix of industrial uses which provide a sound and diversified economic base" but **one** use across 2,600 acres of land. Additionally, the EIR does not consider the seven homes within the Project in determining its consistency with locating manufacturing and industrial to avoid adverse effects.

18

The EIR does not adequately address or mitigate for impacts to sky glow and the Palomar Mountain observatory. Compliance with City standards *would not* reduce lighting impacts below a level of significance due to the scope of this project and existing lack of lighting.

19

Cumulative impacts: The EIR does not consider cumulative lighting effects from all Project in the vicinity which would impact night lighting. The cumulative impact evaluation is unclear as to what other projects are considered.

20

Mitigation Measures for aesthetic effects, including 4.1.6.1B, 4.1.6.3A, and 4.1.6.4A, are uncertain, vague, and will not ensure that aesthetic impacts are mitigated or reduced. Instead, these measures merely require the documentation of impacts or measures. These measures should be rewritten in a manner that not only discloses impacts but then requires that steps be

21

taken to reduce impacts. For example, after preparing renderings pursuant to 4.1.6.1B, the proposed project must be developed in compliance with the prepared renderings.

21

Agricultural Resources

The Project will convert 25 acres of Unique Farmland and 2,610 acres of Farmland of Local importance to urban uses. This farmland also has a LESA score of 63.51, indicating a significant impact. The only mitigation delineated to reduce this impact to 2,635 acres is the dedication of 5 acres for “heritage farming” (Mitigation Measure 4.2.6.1A.) This alleged “mitigation” obviously does not reduce project impacts. Moreover, the EIR states that mitigation measure “4.2.6.1B” will reduce these impacts to agricultural resources—this measure does not appear to exist. (See, *Executive Summary p. 1-10*) Agricultural mitigation is utterly deficient.

The EIR relies on the fact that the General Plan EIR found certain mitigation to be infeasible at that level of planning. The fact that the General Plan EIR found mitigation to be infeasible on a citywide scale does not mean that mitigation is infeasible at this programmatic specific plan scale or at a Project level scale. The conclusion that mitigation is infeasible here is unsupported.

22

The EIR downplays the effect of development and operation of industrial uses in increasing development pressure on adjacent agricultural properties. The EIR does not disclose the predicted impacts on properties adjacent to the project site or along the truck routes used to access the project site, as well as city wide impacts. Additionally, the area to be designated “open space” with this project includes area that is being actively farmed. The EIR does not adequately evaluate impacts to this farming activity from development of 41.6 million square feet of logistics building.

Mitigation measures identified by the CDC to reduce agricultural impacts include:

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

23

While the measures regarding planning have been determined to be infeasible by the City, *the EIR does not provide evidence to support the finding of infeasibility with regard to the purchase or transfer of development rights, conservation easements, or donation of funds to assist in the preservation of agricultural lands.*

24

Air Quality

The Project’s air quality impact is incredible, yet understated in the EIR *repeatedly*. For

25

instance, despite accepted health risk assessment protocols, the EIR posits that such assessments overestimate the risk of cancer associated with PM exposure. The fact is that SCAQMD and CARB have required certain methodological protocols when studying the health risk imposed by diesel PM, and such protocols should be given substantial credence.

25

As another example, the EIR alleges that a trip generation rate of 1.44 trips should have been used because, as with a general plan EIR, “on average a small portion of warehouses can be expected to operate at varying levels of service.” (p. 4.3-38). The fact is that this is not a general plan EIR but *one >10 warehouse project*, and at least 1.68 trips per thousand square feet is correctly applied. It should be noted that the EIR does not disclose how many warehouses *are* proposed with this project.

26

The EIR provides graphs of the frequency of unhealthful ozone days from the 1970’s to 2000. Yet, in the explanation, it is noted that 2010 showed a “slight uptick” in the number of unhealthy air for ozone and particulate pollution. (EIR p. 4.3-17) This change in trend is troubling.

27

The project will result in significant and unavoidable impacts to air quality during construction and operation.

Construction is proposed to occur for 10 years, yet the EIR evaluates construction impacts as “short term.” This evaluation is not supported.

28

Construction air quality impacts evaluate the use of equipment for only 10 hours a day, despite the fact that construction may occur 24/7 with no limit on how much equipment is onsite. Impacts are understated given this 24/7 construction schedule.

The EIR fails to consider the overlap of construction phases. Construction impacts and emissions may be much higher if construction phases are permitted to overlap. A mitigation measure should be incorporated requiring longer construction phasing to reduce daily pollutant emissions, or at least to solidify Project phasing as set forth in the EIR.

At table 4.3.U (p.4.3-67), the EIR provides that at buildout the project will emit 14,863 lbs/day of NOX. This blows away the 55 lbs/ day significance threshold. Likewise, the 9,862 lbs/day of CO emissions is far and above the 550 lb threshold. These are just two examples.

29

The Project will dramatically and drastically surpass the significance thresholds for VOC, NOX, CO, PM10, and PM 2.5, not even including any dust emissions or accounting for overlap of construction phases, or construction phase plus partial Project operation. This Projects’ impact to regional and local air quality is simply unheard of and substantially unmitigated.

The EIR provides an apples to oranges comparison of operational emissions mitigated versus unmitigated. Table 4.3.U and Table 4.3.X look at different year worst case scenarios, yet seem to be the same to any observer. Table 4.3.X lacks operational emissions from 2013-2022 for yearly comparison to Table 4.3.V, yet comparing 2022 emissions shows similar operational effects despite mitigation. A comparison of Table 4.3.W and 4.3.Y likewise shows little impact from mitigation, though construction mitigation plays a greater role. (Note: Table 4.3.Y contains

30

a typographical error listing year 1,147)

30

There is no evaluation of operational emissions past 2022 when emissions will no longer include construction. Effects from growth will also presumably need to be taken into account in determining 2023 + emissions.

31

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

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

32

The EIR wrongly fails to evaluate air pollutant emissions across the routes that will be used by Project trucks. The trucks will be accessing the Port of Long Beach, yet impacts along SR-60 to the port, impacts at the port, etc. are not evaluated in the EIR. Where the Project will create significant on-road emissions, impacts to these areas absolutely must be evaluated in the EIR.

33

Mitigation

Several of the construction air quality impact “mitigation measures” are required by law, and therefore do not qualify as “mitigation,” such as Mitigation Measure 4.3.6.2A

34

Mitigation measure 4.3.6.2A(c) is deceiving and deficient. While a piece of construction equipment may be limited to 10 hours of operation per day during construction, there is no limit to the hours of construction, which may apparently occur 24/7, or to the amount or type of construction equipment onsite at any time. It is feasible to require that all construction be limited to 10 hours per day.

At mitigation measure 4.3.6.2C (d), the language “whenever possible” must be removed to make the measure certain to occur and legally enforceable.

35

MM 4.3.6.3A is uncertain to reduce air quality impacts as the only requirement is that vehicles can access the buildings on paved roads, not that they *must* access the building using paved roads. Access via any unpaved roads must be barred and prevented.

36

MM 4.3.6.3B is insufficient. At subsections (f) and (g), it is feasible to require that tenants be required by contract to become a SmartWay Partner and to require that all trucks be SmartWay 1.0 or greater carriers.

37

MM 4.3.6.4A: storage lockers should be provided for a greater portion of full-time employees to encourage the use of alternative transportation and carpooling. Additional electric charging stations must be required, preferably across 10% of the vehicle parking spaces for autos and light-duty trucks. Bicycle storage should also be increased.

38

Additional mitigation must be incorporated into any Project of this scope. The Project's significant air quality and health impacts also well justify Project denial.

39

It is feasible to require the following, and such mitigation must be incorporated into the Project:

Mitigation to Reduce Construction Impacts

Additional mitigation measures are also feasible to further reduce construction air quality emissions including the following which must be applied to future development:

1. Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.
2. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (eg. Install wheel shakers, wheel washers, and limit site access.)
3. All roadways, driveways, sidewalks, etc., should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
4. Pave all construction roads.
5. Pave all construction access roads at least 100 feet on to the site from the main road.
6. Limit fugitive dust sources to 20 percent opacity.
7. Require a dust control plan for earthmoving operations.
8. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
9. All streets shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.
10. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.
11. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
12. Extend grading period sufficiently to reduce air quality impacts below a level of significance.
13. The simultaneous disturbance of the site shall be limited to five acres per day.
14. Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.
15. Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered three times daily.
16. Any site access points within 30 minutes of any visible dirt deposition on any public roadway shall be swept or washed.
17. A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.

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18. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.*
19. Develop a trip reduction plan to achieve a 1.5 AVR for construction employees
20. Require high pressure injectors on diesel construction equipment.*
21. Restrict truck operation to "clean" trucks, such as a 2007 or newer model year or 2010 compliant vehicles.*
22. Require the use of CARB certified particulate traps that meet level 3 requirements on all construction equipment.*
23. Utilize only CARB certified equipment for construction activities.*
24. The developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use and/or idling in excess of 3 minutes.*
25. Restrict engine size of construction equipment to the minimum practical size.*
26. Use electric construction equipment where technically feasible.*
27. Substitute gasoline-powered for diesel-powered construction equipment.*
28. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel.*
29. Use methanol-fueled pile drivers.*
30. Install catalytic converters on gasoline-powered equipment.*
31. Require the use of Alternative Diesel Fuels on diesel equipment used. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
32. Electrical powered equipment shall be utilized in-lieu of gasoline-powered engines where technically feasible.*
33. All forklifts shall be electric or natural gas powered.*
34. Suspend use of all construction equipment operations during second stage smog alerts.*
35. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
36. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
37. Reroute construction trucks away from congested streets and sensitive receptor areas.*
38. Configure construction parking to minimize traffic interference.*
39. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
40. Minimize construction worker trips by requiring carpooling and providing for lunch onsite. *

41. Provide shuttle service to food service establishments/commercial areas for the construction crew.*
42. Provide shuttle service to transit stations/multimodal centers for the construction crew.*

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Mitigation to Reduce Operational Emissions

1. All trucks accessing the Project site must meet 2010 standards or better at opening, improving to advance to higher standards by 2022. Results, including backup data shall be reported to the Planning Department semi-annually.*
2. If the above mitigation is not feasible, the tenant shall phase-in trucks beginning with 30% 2010 standards or better at opening and continually improving, to introduce newer trucks faster than regulatory standards. (Alternatively, see 8-10 below)
3. The Project shall not only provide infrastructure for alternative fuels (for example, electric or natural gas) but require that its usage be phased in as soon as such technology is technologically feasible. Such infrastructure must be adequate to provide alternative fuels for the entire project or, if deemed infeasible, at least 25 million square feet of logistics warehousing and its associated truck trips.
4. The tenants shall implementing advanced technology demonstration and implementation programs
5. Tenants shall be required by contract to apply for funding to retrofit and replace older, dirtier trucks prior to purchase or lease of any portion of the site.
6. Incorporate another method of accelerated penetration of partial zero-emission and zero-emission vehicles and trucks through funding assistance.
7. Accelerate retirement of older light-, medium-, and heavy- duty vehicles, through funding incentives or contract specification.
8. The operator of any Project facilities shall become SmartWay Partner.*
9. All Project facilities shall meet SmartWay 1.25 ratings.*
10. All Project facilities shall use only freight companies that meet SmartWay 1.25 ratings.*
11. (ALTERNATIVELY from 2,3 above) The operator of the primary facilities shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*
12. The operator of the primary facilities shall incorporate requirements or incentives sufficient to achieve a 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*
13. All spaces utilizing refrigerated storage, including restaurants and food or beverage stores, shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration units shall be prohibited from accessing the site. All leasing documents shall include these requirements and provide that violation of those provisions will constitute a material

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- breach of the lease that will result in the termination of the lease. Because of the fact that these terms of the lease are designed to benefit the public, the public shall be considered to be a third party beneficiary with standing to enforce the requirements of the lease.*
14. Install catalytic converters on gasoline-powered equipment.*
 15. Where diesel powered vehicles are necessary, require the use of alternative diesel fuels. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
 16. Electrical powered equipment should be utilized in-lieu of gasoline-powered engines where technically feasible.*
 17. Utilize only electrical equipment for landscape maintenance.*
 18. All forklifts shall be electric or natural gas powered.*
 19. Utilize only electric yard trucks.*
 20. Prohibit idling of trucks for periods exceeding three minutes.*
 21. Provide electrical vehicle ("EV") and compressed natural gas ("CNG") vehicles in vehicle fleets.*
 22. Charge reduced or no parking fee for EVs and CNG vehicles.*
 23. Install EV charging facilities for a minimum of 10% of all parking spaces.*
 24. Install a CNG fueling facility.*
 25. Provide preferential parking locations for EVs and CNG vehicles.*
 26. Implement parking fee for single-occupancy vehicle commuters.*
 27. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
 28. Plant at least 50 percent low-ozone forming potential (Low-OFP) trees and shrubs, preferably native, drought-resistant species, to meet city/county landscaping requirements.*
 29. Plant Low-OFP, native, drought-resistant, tree and shrub species, 20% in excess of that already required by city or county ordinance. Consider roadside, sidewalk, and driveway shading.*
 30. Orient 75 percent or more of buildings to face either north or south (within 30 degrees of N/S) and plant trees and shrubs that shed their leaves in winter nearer to these structures to maximize shade to the building during the summer and allow sunlight to strike the building during the winter months.*
 31. Provide grass paving, tree shading, or reflective surface for unshaded parking lot areas, driveways, or fire lanes that reduce standard black asphalt paving by 10% or more.*
 32. Electrical outlets shall be installed on the exterior walls of all residential and commercial buildings (and perhaps parking lots) to promote the use of electric landscape maintenance equipment.*
 33. Prohibit gas powered landscape maintenance equipment within residential, commercial, and mixed-use developments. Require landscape maintenance companies to use battery powered or electric equipment **or** contract only with commercial landscapers who operate

- with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use or any combination of these two themes.*
34. Implement parking cash-out program for non-driving employees.*
 35. Require each user to establish a carpool/vanpool program.*
 36. Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.*
 37. Provide preferential parking for carpool/vanpool vehicles.*
 38. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
 39. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*
 40. Provide direct safe, direct bicycle access to adjacent bicycle routes.*
 41. Connect bicycle lanes/paths to city-wide network.*
 42. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*
 43. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*
 44. Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees.
 45. Provide shuttle service to food service establishments/commercial areas.*
 46. Provide shuttle service to transit stations/multimodal centers.*
 47. Provide on-site child care or contribute to off-site child care within walking distance.*
 48. Implement a compressed workweek schedule.*
 49. Implement home-based telecommunicating program, alternate work schedules, and satellite work centers.*
 50. All buildings shall be constructed to LEED Platinum standards.*
 51. Design buildings for passive heating and cooling and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.*
 52. Construct photovoltaic solar or alternative renewable energy sources sufficient to provide 100% of all electrical usage for the entire Project.*
 53. Install an ozone destruction catalyst on all air conditioning systems.*
 54. Construct renewable energy sources sufficient to offset the equivalent of 100% of all greenhouse gas emissions from mobile sources (internal combustion engines) for the entire Project. *
 55. Purchase only green/ renewable power from the electric company.*
 56. Install solar water heating systems to generate all hot water requirements.*

(* Would reduce impacts to GHGs as well)

Health Risks

This Project is predicted to result in enormous health risk impacts, a Project caused increase of at least 100.7 cancers in one million, well above the 10 in one million threshold. While these impacts are likely understated, this health risk is unacceptable.

In addition to the risk of cancer, diesel PM is known to cause immune system effects; reproductive, developmental, and endocrine effects; nervous system effects; and lung health

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problems, as recognized by the County in the General Plan. Immune system effects include increased allergic inflammatory responses and suppression of infection fighting ability. Diesel PM has also been associated with reproductive effects such as decreased sperm production, changes in fetal development, low birth weight and other impacts. Diesel PM exposure may also cause impairment to the central nervous system. (*The Health Effects of Air Pollution on Children*, Michael T. Kleinman, Ph.D, Fall 2000, <http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren>; *See also, Diesel and Health in America: the Lingering Threat*, Clean Air Task Force, February 2005, <http://www.catf.us/resources/publications/files/Diesel_Health_in_America.pdf>)

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

“Diesel particles consist mainly of elemental carbon and other carbon-containing compounds... Diesel particles are microscopic... Due to their minute size, diesel particles can penetrate deeply into the lung. There is evidence that once in the lung, diesel particles may stay there for a long time.

In addition to particles, diesel exhaust contains several gaseous compounds including carbon monoxide, nitrogen oxides, sulfur dioxide and organic vapors, for example formaldehyde and 1,3-butadiene. Formaldehyde and 1,3-butadiene have been classified as toxic and hazardous air pollutants. Both have been shown to cause tumors in animal studies and there is evidence that exposure to high levels of 1,3-butadiene can cause cancer in humans...

Diesel emissions may also be a problem for asthmatics. Some studies suggest that children with asthma who live near roadways with high amounts of diesel truck traffic have more asthma attacks and use more asthma medication.

Some human volunteers, exposed to diesel exhaust in carefully controlled laboratory studies, reported symptoms such as eye and throat irritation, coughing, phlegm production, difficulty breathing, headache, lightheadedness, nausea and perception of unpleasant odors. Another laboratory study, in which volunteers were exposed to relatively high levels of diesel particles for about an hour, showed that such exposures could cause lung inflammation.” (*The Health Effects of Air Pollution on Children, supra*; *See also, Mira Loma Commerce Center EIR No. 450, Air Quality, Section 4.*)

Furthermore, infants, children, and the elderly are more susceptible to diesel PM and its associated health impacts. Given this project’s close proximity to two schools, the Rancho Verde High school (1 mile east) and El Potrero Elementary School (1 mile northeast) this increased susceptibility is extremely relevant. With regards to infants and children, increased susceptibility to TACs and diesel PM exists for a variety of reasons. Children are generally more active than adults, have higher respiration rates, and inhale more pollutants deeper into the lung. Children also have more lung surface area in proportion to their body size and inhale more air pound for pound when compared to adults, taking in 20 to 50 percent more air and associated air pollutants than adults. When compared to adults, children spend more active time outdoors in polluted air environments and exert themselves harder than adults when playing outside.

Importantly, this exposure to high pollutant levels in children occurs while their lungs are still developing, and therefore has more severe impacts on this sensitive group. (*The Health Effects of Air Pollution on Children, supra.*)

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

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

This project will contribute to an already dire TAC situation in Riverside County. The Riverside County Planning Commission recently considered GPA 1096, an amendment to the General Plan to add a Healthy Communities Element which seeks to reduce hazardous air quality impacts to environmental and human health. The Healthy Communities Element of the General Plan was approved in view of the following significant health impacts resulting from already poor air quality in Riverside County:

- ***Asthma-Related Hospitalizations:*** In 2005, the greatest percentage of asthma-related hospitalizations were among those under age 18 (38%) followed by those over 65 (19%). Blacks experienced the greatest rate of hospitalizations in 2005 at 225.7 per 100,000 population, versus 99.5 and 81.2 for Hispanics and whites, respectively.
- ***Risk of Cancer from Diesel Soot and Other Toxic Air Pollutants:*** *Whereas the regional risk of cancer from diesel soot and other toxic air pollutants dropped by 8 percent between 1998 and 2005, the cancer risk in Riverside County increased by 2 percent.*
- Poor air quality costs Riverside and San Bernardino around ***\$6.3 billion annually*** in health care expenses.
- 19% of private schools, 11% of public schools, and 21% of licensed child care centers in Riverside County are located within a quarter (1/4) mile of a major highway.
- Around 350,000 Riverside County residents live within a half (1/2) mile of a major highway, including about 40,000 children under age 5.
- Five schools in Riverside County rank in the 10th percentile for air quality, meaning that 90 percent of the schools in the country had better air. Twenty-five schools ranked in the 50th percentile or below.

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The EIR fails to consider health risks along the routes intended for travel by Project trucks. Health risks must be evaluated beyond the immediate proximity of the WLC as trucks will continue beyond this area, to the Ports and other destinations. The EIR fails as an informational document by not considering impacts in getting to and from these common destinations.

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Cumulative Air Quality Impacts

The Cumulative Impact analysis for air quality effects is completely deficient. Regarding construction impacts, the EIR fails to detail the “number of individual projects” which “may be under construction simultaneously.” The EIR should list the Projects that are currently proposed, approved, or expected to be developed with the Project. Projected emissions should then be provided in the EIR. Without detailing these projected impacts, the EIR fails to provide needed information as to the extent and severity of the Project’s cumulative construction impacts. The same goes for any cumulative evaluation of hot spots.

Regarding operational impacts, the EIR considers construction and operational impacts of the Project *but no other projects in the area or that will be using the same routes*. This is utterly deficient. Moreover, as previously discussed operational effects are only considered through 2022 when construction ceases, not longer-term. The EIR fails as an informational document by not considering any other Projects in its alleged “cumulative impact” analysis of operational air quality.

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On health risks, the cumulative projects considered in the cumulative impact analysis are not listed or disclosed. Nevertheless, the Project will contribute >120 cancers in the area of the Project site where existing risk is over 400 cancers per million. The EIR fails to consider or disclose risks caused by the Project and other cumulative projects in even higher risk areas of San Bernardino, Long Beach, etc. By failing to detail actual cumulative health risk impacts, the EIR again fails to provide needed information to the public and decisionmakers.

Biological Resources

The area to be designated “open space” includes area that is being actively farmed. The reliance in the EIR on this area as wildlife area may be misplaced. This must be clarified in the EIR.

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The EIR fails to provide needed studies to determine whether significant impacts to biological resources will occur and whether such impacts may be mitigated below a level of significance. Instead, the EIR lists mitigation measures deferring needed studies which would disclose potential effects to the public and decision-makers. These studies must be prepared, incorporated in the EIR, and the EIR must be recirculated.

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The EIR states that coastal sage both is and is not onsite. This must be clarified. (See, e.g. Table 4.4.B p. 4.4-22)

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Species not covered by the MSHCP include Stephens’ Kangaroo Rat pursuant to p. 4.4-41, yet at

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Table 4.4B this species is designated “covered.”

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Additional surveys must be required of special status species not covered by the MSHCP.

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The EIR finds no significant riparian or biologically sensitive habitat onsite despite the existence of such plants and 14 drainages. There is no support or explanation for this conclusion. (p. 4.4-60)

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The change in ambient noise and lighting will likely significantly impact biological resources. To the extent the EIR concludes otherwise, such conclusion is unsupported by that document. Moreover, the finding that construction will not impact wild life, apparently because “noise-related impacts would be temporary in nature,” is unsupported. Construction is not required to occur in phases but is expected to last 10 years. Any reliance on either phasing or the “temporary” nature of construction is not supported. Also, vibration impacts to wildlife were also not considered in the EIR, rendering the impact analysis insufficient.

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The conclusion that impacts to raptor foraging habitat will be less than significant is not supported by any reasoning or evidence in the EIR. Further evaluation must be made of this issue.

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The Cumulative impact analysis of biological effects is greatly deficient. For example, the cumulative loss of raptor foraging land, impacts to the burrowing owl, impacts to species not adequately mitigated by MSHCP, noise impacts, etc. are not considered. Impacts along highways and roadways which will be used by this Project are not considered. Mere compliance with the MSHCP does not provide the detail necessary to *inform* the public and decision makers about this Project’s individual and/or cumulative effects, a purpose of CEQA. By failing to adequately address cumulative biological effects, the EIR again fails as an informational document.

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The EIR repeatedly professes the benefits of the 250-foot setback area of MM 4.4.6.1A as a fix-all for the project. This setback area is insufficient in that it includes not only landscaping by water quality facilities, fences and walls, maintenance access drives, and similar uses. It is unlikely that mitigation for impacted plants or animal species can be accomplished by moving such species to this setback area. Mitigation for biological resources in this manner fails to demonstrate that impacts to biological resources would be adequately reduced below a level of significance.

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MM 4.4.6.1B is likewise insufficient and wrongly deferred. This measure wrongly defers the needed study of impacts to non-covered MSHCP listed and sensitive species without reason and without detailing any alternatives or performance criteria to be achieved. A biological assessment of the impacts to these species must be undertaken presently and incorporated in a re-circulated EIR which discloses such potential impacts and discussed whether mitigation is

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feasible and, if so, incorporates such mitigation.

MM 4.4.6.2A wrongly defers mitigation with only vague instructions as to the preparation of a needed study for impacts to sensitive plants. There is no explanation for why this study could not be undertaken and impacts disclosed in this EIR so that such mitigation is wrongly deferred. Moreover, it is unclear what sensitive plants must be assessed. Lastly, the EIR fails to show that relocation to the 250-ft setback area or fee payment will be adequate to reduce any impacts below a level of significance. Again, this assessment must be prepared and the EIR recirculated to disclose these impacts.

MM 4.4.6.2B wrongly defers mitigation where the HANS and JPR process could be completed at this time. JPR should be presently completed, potential biological effects disclosed, and the EIR recirculated with RCA review available for public comment.

MM 4.4.6.3A should be implemented not by the City Planning Division but by a qualified biologist. This mitigation is improperly vague and uncertain without the incorporation of alternatives or performance standards to ensure that the drainage remains in a “relatively natural condition.”

MM 4.4.6.4E defers, without reason, a protocol survey for the Los Angeles Pocket Mouse. Any mitigation is vague, requiring that, for instance, an “appropriate amount of land” be set aside to compensate for loss of habitat. Biologically equivalent or superior land should be required to be set aside at a 2:1 ratio.

MM 4.4.6.4F wrongly defers preparation of a Biological Resource Management Plan without performance standards or other assurances that adequate mitigation will occur.

Cultural Resources

The EIR finds at least 45 archaeological and historical resources sites in the project area, and thus has the likelihood to significantly impact cultural resources. Of these, nine prehistoric resources were Phase II tested. It is not clear why only nine were included in this testing. All of the known historic resources should be Phase II tested for significance in the EIR, and the EIR should be recirculated. Without further evaluation, the EIR fails to disclose impacts or show that they may be mitigated below a level of significance.

The EIR nevertheless finds that impacts to cultural resources would be less than significant with mitigation. Overall, the mitigation required for archaeological resources fails to reduce impacts below a level of significance through vagueness and inherent deficiencies.

MM 4.5.6.1A does not provide any option for avoidance of significant archaeological or cultural resources.

MM 4.5.6.1B should clarify that subsections (a) and (b), avoidance, are preferred to subsection

(c), excavation.

MM 4.5.6.1C is vague and uncertain to provide adequate mitigation. First, subsection 2 should amend 50% of the earth to ensure that monitoring not be terminated until at least half of the site to maximum depth is examined. Moreover, the portions of the site which are expected to contain cultural resources should be required to be monitored. As written, the entire site to a minimal depth could be examined uncovering no resources, or, alternatively, the portion of the site with the highest expectation for resources could be avoided. This is unacceptable. Subsection 5 should clarify that avoidance is preferred and data recovery or curation are not preferred. If curation is the only method available, then the artifacts will be curated in a museum that has agreed to take such resources.

MM 4.5.6.3B wrongly defers a needed paleontological assessment where such assessments could presently occur. The EIR should incorporate this paleontological assessment and map areas in which monitoring shall occur and which may require further assessment.

The EIR also finds cumulative impacts less than significant on the basis that individual Project effects will be reduced below a level of significance. This reasoning rejects the purpose of a cumulative impact analysis under CEQA, that an individually insignificant project may have cumulative effects when considered with other projects. Here, the EIR again fails to disclose what projects were considered in the cumulative impact analysis and what cumulative effects they may have. The cumulative impact analysis is inadequate.

Geology and Soils

MM 4.6.6.1A wrongly defers a needed fault study without explanation or reason. The City may presently determine whether a detailed fault study of the Casa Loma Fault Zone area is necessary or the EIR may undertake these investigations voluntarily to determine whether faulting issues exist and whether potential impacts may be mitigated. Likewise, MM 4.6.6.1B wrongly defers a San Jacinto Alquist-Priolo fault study without reason. Again, without this needed study the EIR fails to provide the public and decision-makers with essential information or demonstrate that impacts are mitigable. These studies must be prepared, incorporated in the EIR, and the EIR must be re-circulated.

MM4.6.6.3A wrongly defers the preparation of a geotechnical report. MM4.6.6.3A also does not ensure that geotechnical impacts will be eliminated or sufficiently mitigated, but only that a report be prepared. This measure must require that a report be prepared to address specific issues to specific performance standards, and that the Project then comply with all recommendations of the geotechnical report.

Similarly, MM 4.6.6.3C requires further soils and geotechnical investigations but fails to require that any recommendations of those investigations be implemented in Project development. Mere

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preparation of a report is insufficient to mitigate for soils/geotechnical impacts.

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GHGs

This Project's Greenhouse Gas emissions are exorbitant. Where an industrial project may have significant GHG emissions if they exceed the screening level of 10,000 mtco2e/yr, this Project will exceed 700,000 mtco2e/yr!

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Mitigation measures for greenhouse gas emissions are utterly insufficient and fail to show that, as required by CEQA, all feasible mitigation for this Project has been adopted. The only mitigation adopted to reduce GHGs is MM 4.7.6.1A implementing minimal requirements to reduce solid waste.

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Additional mitigation is feasible, as detailed in the Air Quality section and delineated with an asterisk. Nevertheless, this Project's enormous GHG impact will likely remain immitigable.

Also, the EIR fails to evaluate the Project's consistency with the CARB Scoping Plan, generally evaluating only whether a scoping plan reduction measure is "applicable" or "inapplicable." (Table 4.7.K) The EIR must evaluate if the Project is consistent with any applicable measures. The EIR then finds that the Project would not conflict with any plan, etc. related to the reduction of GHGs. (p. 4.7-43) This conclusion is not supported by evidence in the EIR.

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The EIR next raises the uncertainty re: climate change and impact from international shipping. CEQA, however, recognizes the impact of GHGs and requires an attempt at disclosing and reducing that effect. Again, the EIR's attempt to play down this Project's effects must be rejected.

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Hazards and HazMat

The EIR should consider the Project's immense truck presence to be a routinely transported hazard and evaluate impacts accordingly. Likewise, cumulative hazard impacts should be evaluated for these risks.

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Hydrology and Water Quality

MM 4.9.6.3C does not provide any alternatives or performance standards for ensuring that runoff not impact the SJWA, or remedying any water quality exceedences.

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Land Use and Planning

The Project site currently provides for a diverse mix of residential, commercial business park, and open space land uses. The Project would amend such uses to 2,606 acres of high cube logistics, 1,084 acres of open space, and 20 acres for public facilities. Open space includes area that is being actively farmed. This alteration to proposed land uses is a *very significant impact*.

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A new General Plan should be prepared if this Project is to completely overhaul the existing planning and zoning.

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Also, while this is one of the few areas of the EIR where the seven existing residences are considered, they are then completely ignored. Some mitigation for impacts to these residences must be considered.

Noise

Vibration impacts at the seven existing residences on the Project site are not, and must be, considered in the EIR. Such impacts may be significant because those residences are less than 50 feet from construction.

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Construction may occur 24/7 anywhere on the Project site. This impact may be mitigated somewhat by limiting hours of construction to daytime. The EIR does not show that such a limitation is infeasible; hence it must be adopted.

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Construction noise is expected to be up to 97 dBA at 50 ft, yet some residences are less than 50 ft from construction. The EIR fails to disclose the real worst case construction noise scenario.

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Noise impacts are to be evaluated pursuant to whether they would exceed the threshold noise level, or whether they cause either substantial temporary or permanent increases in ambient noise. The EIR wrongly combines these thresholds regarding whether the Project will permanently increase ambient noise. (EIR p.4.12-47) The 5 db, 3 db, 1.5db increases applied for 60, 60-65, and 65 CNEL respectively are not the threshold of significance. In fact, a lesser increase is likely more significant at a lower level as more noticeable. Also, this threshold is only wrongly applied to only traffic noise, not stationary noise. The Project will likely permanently increase ambient noise in this undeveloped area.

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On the other hand, whether the Project would cause exceedences of noise standards is only applied to stationary noise; mobile source/ traffic noise is not considered. The tables at 4.12-38 through 4.12-46 show countless exceedences of the City's noise standards. The finding that this impact is less than significant is not supported.

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Cumulative noise impacts are not adequately considered. The cumulative analysis does not evaluate noise impacts from proposed or future planned projects. The Cumulative impact analysis must be re-prepared and the EIR recirculated to take into account projects which, when combined with this Project, may have a significant impact on noise.

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MM4.12.6.1A wrongly defers the creation of a Noise Reduction Compliance Plan for construction noise and fails to provide any alternatives to be incorporated into such a plan or performance standards to ensure that noise is actually reduced. Instead, the only requirements of the plan is that it show where nighttime construction will occur in relation to dwellings. No

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mitigation will occur from this measure.

MM4.12.6.1D has a typographical error, twice referencing weekends where, presumably, the first reference should be to weekdays.

MM4.12.6.1E permits construction at night anywhere with a temporary sound barrier. MM 4.12.6.1F would permit nighttime construction closer to residences if okayed by personnel.

Given the Project's expected construction noise impacts, MM4.12.6.1 E and F should not be able to be employed to permit construction any time.

It is feasible that, at all times, construction shall be prohibited at night within 2,800 feet of residences, and a 12-foot tall sound barrier shall be installed between all residences within 2,800 feet of active nighttime construction areas. Additionally, noise measurements shall be taken by qualified personnel and buffer distances may be enlarged based on their recommendation, but not decreased.

The following additional mitigation is feasible and must be required of the project:

1. Temporary noise barriers must be installed during project construction around the entire construction area.
2. Where technically feasible, utilize only electrical construction equipment
3. During construction, the developer shall require that all contractors turn off all construction equipment and delivery vehicles when not in use and prohibit idling in excess of 3 minutes.
4. Provide a "windows closed" condition requiring a means of mechanical ventilation (e.g. air conditioning) for all buildings within 250 feet of the Project. The Project must pay for such ventilation on all such buildings.
5. Provide upgraded windows with a minimum Sound Transmission Class (STC) rating of 34 for all buildings within 250 feet of the Project buildings, and on roadways on which the Project will contribute 100 or more trips/day, and/or require the installation of double-paned windows of those buildings.
6. Keep new transportation facilities away from vibration sensitive areas.
7. Obvious vibration causes, such as pot holes, pavement cracks, differential settlement in bridge approaches or individual pavement slabs, etc., on existing transportation facilities and roadways which will be used by the Project during construction and/or operation must be eliminated by resurfacing prior to commencement of construction and again prior to Project operation of each phase.
8. Require the use of rubberized asphalt for construction of all roadways and parking areas.
9. Maintain quality pavement conditions that are free of bumps, pot holes, pavement cracks, differential settlement in bridge approaches or individual pavement slabs, etc. during Project operation. Resolve any sub-par pavement conditions within one week of notification/awareness.
10. Require resurfacing of roads.
11. Ban heavy trucks near (i.e. within 250 feet) vibration sensitive uses.

12. Use alternate construction methods and tools to reduce construction vibrations including, as applicable, predrilling of pile holes, avoiding cracking and seating methods for resurfacing concrete pavements near vibration sensitive areas, using rubber tired as opposed to tracked vehicles, placing haul roads away from vibration sensitive areas.
13. Scheduling construction activities (particularly pile driving) for times when it does not interfere with vibration sensitive operations (e.g. night time).

88

Traffic

The WLC will generate significant direct and cumulative traffic impacts. The DEIR concludes that these impacts are significant and unavoidable. The conclusions of the DEIR are not based on substantial evidence and mitigation measures that are relied upon are uncertain, unenforceable and ineffective.

Firstly, the conclusions of the DEIR are not based on substantial evidence where, among other things, the DEIR relies heavily upon the 2003 Truck Trip Generation Study prepared for the City of Fontana. Reliance upon this study is flawed to the extent that truck traffic represents a much larger portion of the WLC's traffic than is assumed in that study. Additionally, the DEIR assumes that the WLC will employ local residents as the majority of its purportedly 25,000 employees. The DEIR thus creates the impression that vehicle trips will be shorter or fewer due to the fact that employees will have a short commute to work. The DEIR likewise assumes that nearly half of the worker trips will occur on arterial streets and not freeways. These assumptions regarding traffic influence other sections of the DEIR (*see* p. 4.15-33 "It should be noted that all technical studies based all or in part on traffic (i.e., air quality, greenhouse gases, and noise) have used these same assumptions..."). In relying upon these bare assumptions, the DEIR has understated the Project's traffic impacts, and in turn, other impacts as well.

89

For each study year (2012, 2017, 2022 and 2035) the WLC Project causes significant direct impacts to local intersections, roadway segments and freeway segments. The Project also contributes to significant cumulative conditions for each area of study. Despite causing significant direct impacts and contributing to significant cumulative impacts the Project does not mitigate its impacts as required by law.

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The DEIR first improperly relies upon the preparation of future traffic studies for individual development projects within the WLC. This deferral of mitigation is not permitted under CEQA. Moreover, according to the mitigation plan, the future studies will only be conducted pursuant to the City's "discretionary approval process" in connection with future development applications. There is no assurance that the City considers any future applications related to the Project to be "discretionary" review processes such that there is no guarantee that any future traffic studies will be prepared.

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Next, the mitigation plan relies heavily on the payment of TUMF and DIF fees; however, the plan fails to comply with CEQA because the reader cannot discern from the DEIR which improvements are subject to which funding programs. Additionally, there is a lack of evidence that the alleged payment of TUMF and DIF fees are tied to the actual implementation of mitigation measures. In other words, there is a lack of evidence that there are actual plans in

92

place for the construction of the necessary traffic improvements and/or evidence that sufficient funding has already been collected under the TUMF and DIF programs for the construction of the improvements. Thus it is not clear from the DEIR that the improvements are certain to occur in the foreseeable future. In the event that mitigation measures are not covered by TUMF or DIF programs, the DEIR calls for the payment by the individual development projects of “fair share” fees. While fair share fees can be appropriate mitigation under CEQA, there is no evidence that fair share programs exist for the remaining measures not covered by TUMF or DIF programs; there is no evidence that any funding has been collected under the alleged fair share programs; and there is no evidence as to when the necessary measures might be implemented under the programs. Together this reliance on fee-based mitigation is uncertain and ineffective.

93

The mitigation plan also calls for the City to “request” that TUMF funds be aligned with the improvements related to the Project’s significant impacts. Thus there is no guarantee that TUMF funds will be spent towards the implementation of the necessary improvements, or evidence of when such alignment would occur. With respect to improvements that are under the jurisdiction of Caltrans, the mitigation plan calls for the City to participate in a “multi-jurisdictional effort with Caltrans and adjacent cities to develop a study to identify fair-share construction funding sources ...” There is no evidence that this coordinated strategy will be pursued in the future. Furthermore, while the payment of fair share fees can be adequate mitigation for cumulative impacts, many of the impacts at issue are direct impacts of the WLC project. For this reason, the applicant must be responsible for the implementation any measures relative to direct project impacts.

Finally, the DEIR’s mitigation plan for freeway impacts is convoluted where the DEIR acknowledges significant impacts and the existence of feasible mitigation for some freeway sections but states these measures will not be pursued because the overall “policy” of the City is to improve surface streets “that could serve as alternate routes to freeways.” CEQA requires the implementation of all feasible mitigation measures for significant project impacts. In addition, some freeway mitigation measures are apparently discounted because of cost or technical concerns without substantial evidence in the record that the measures are infeasible within the meaning of CEQA. Again CEQA requires the adoption of all feasible mitigation measures. Where a measure is considered infeasible, the agency must support that finding with substantial evidence in the record.

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MM 4.15.7.4A requires no mitigation of traffic impacts occur but only that a project-specific traffic impact study be prepared. This is insufficient as it fails to incorporate any solution or mitigation if the assumptions of the TIA are invalid.

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MM4.15.7.4F is uncertain to occur and fails to commit the Project to mitigating impacts to state roads/highways. This measure requires only that the City contact Caltrans. Caltrans has not agreed to this participation and the City has no authority to require any action be taken by Caltrans. If Caltrans cooperates in a study, and if the study identifies funding sources necessary to mitigate impacts through fair-share contributions, and if the study is approved, and if the City imposes fair-share fees on the project, then the Project shall be required to pay prior to the

96

issuance of occupancy permits (presumably if those permits are requested after all the prior actions occur). This is the definition of uncertain and unenforceable mitigation.

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Correspondingly, while most of the project's environmental effects will be a result of its use as a distribution center and corresponding traffic and air quality impacts, not the effects of the warehouse building itself, little if any mitigation is required to reduce these impacts. Regarding traffic effects, the EIR relies heavily on TUMF, DIF and fair share programs and concludes that significant effects will be either immediately or promptly reduced by these programs. To the contrary, a significant amount of the streets impacted are not currently planned or funded for improvements, and given the underfunding of these programs are unlikely to see any improvement in the near term. The EIR accordingly understates the traffic and air quality impacts of the project and fails to require all feasible mitigation.

97

In fact, the roadways reliant on TUMF funds are not presently scheduled for improvement nor are the improvements funded. (*See, e.g., 2011 Annual Report, Transportation Uniform Mitigation Fee Program*, Western Riverside Council of Governments, "Five Year Transportation Improvement Program," <http://www.wrcog.cog.ca.us/downloads/AnnualReport_for_web.pdf>, p.39, *See, also*, <<http://www.wrcog.cog.ca.us/downloads/2012CentralZoneTIP020612.pdf>> [detailing funded expenditures in the Central Zone]) Furthermore, TUMF improvements can take up to 9 years to become a reality from a local jurisdiction developing a project to completion of construction. (*2011 Annual Report, Transportation Uniform Mitigation Fee Program, supra*, p.7) Project prioritization, programming, and allocation of funds may also be a barrier to improvements on the roadways impacted by this project. (*2011 Annual Report, Transportation Uniform Mitigation Fee Program, supra*, p.10) The EIR's conclusion that project transportation impacts on local roadways and intersections is less than significant after mitigation is simply not supported by evidence and the realities of these fair share programs.

98

Utilities and Service Systems

Water supply impacts are not adequately assessed or mitigated. The project will use approximately 1,991.25 AFY, from .66-.93 percent of EMWD's water supply. The EIR finds that EMWD will be able to meet its agencies demand through 2035, but this prediction does not include the Project. While the Moreno Highlands Specific Plan would require more water than the Project, development may not occur prior to 2035 but over a greater span of time. Hence, the fact that EMWD previously stated its ability to meet demand does not show that EMWD has sufficient supplies to meet the demands of this Project.

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As discussed above, it is feasible to require the use of recycled water for this Project. The EIR finds water supply impacts to be reduced to less than significant levels, but does not state predicted mitigated demand. By failing to show reductions, the EIR fails to provide needed information.

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MM 4.16.1.6.2A defers the preparation of grading and drainage studies. Without such studies, it is impossible to conclude that flows will be maintained similar to the existing condition. The same is true for MM 4.16.1.6.2B regarding runoff velocity, and 4.16.1.6.2C regarding sediment carrying capacity and erosion. These studies must be prepared, incorporated in the EIR, and the EIR recirculated in a manner that discloses potential impacts and thereafter evaluates whether they are mitigable.

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Alternatives

Where there is an environmentally superior alternative that significantly decreases the significant impacts of the Project then that alternative must be approved rather than the Project if that alternative is feasible, even if the alternative would impede to some degree the attainment of the project objectives, or would be more costly. [(PRC§ 21002; *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597, State CEQA Guidelines § 15126.6(b)]

101

CEQA requires a meaningful discussion of project alternatives. Project alternatives must be designed to meet basic project objectives and be capable of lessening significant project impacts. A reasonable range of project alternatives must be explored. In addition, where a project alternative is determined to be infeasible the determination must be based on substantial evidence in the record. In this case the DEIR fails to comply with CEQA's mandates with respect to analysis of project alternatives.

102

The DEIR fails to contain a clear description of what Alternatives 1 -3 would entail in terms of a development scenario. Moreover the DEIR states that only the development of a very small portion of the project site could reduce impacts, thus meaning that no alternative could successfully reduce impacts and thus closing the door on the adoption of any reasonable alternative. This conclusion is not based on logic where the reduction of the project's overall footprint and the amount of development proposed must translate to fewer significant impacts.

103

Assuming that the Reduced Density alternative is environmentally superior, the alternative meets the "primary" objectives of the project (i.e., development of a specific plan and establishment of open space). However, the alternative has not been shown to be infeasible based on substantial evidence in the record. The DEIR merely states that the alternative does not meet certain project objectives to "the same degree" as the proposed project. This does not suffice as a finding of infeasibility. For instance, the fact that the Reduced Density alternative creates fewer jobs does not show the alternative to be infeasible. In fact, the creation of roughly 17,000 jobs meets the objective to "provide jobs" for residents. Also for instance the alternative satisfies the objective of creating a "major logistics center" in the City. The fact that the alternative involves a lesser amount of space for potential development does not render the alternative financially or otherwise infeasible within the meaning of CEQA.

104

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April 8, 2013
Page 27

CONCLUSION

Thank you for your consideration of these comments and the attached and/or referenced material.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Johnson", followed by a horizontal line.

Raymond W. Johnson
JOHNSON & SEDLACK

Attachments and Electronic Citations

- (1) Western Riverside Council of Governments,
2011 Annual Report, Transportation Uniform Mitigation Fee Program,
<http://www.wrcog.cog.ca.us/downloads/AnnualReport_for_web.pdf>
- (2) Western Riverside Council of Governments, *Funded Expenditures in the Central Zone*,
<<http://www.wrcog.cog.ca.us/downloads/2012CentralZoneTIP020612.pdf>>
- (3) The Press Enterprise, Jack Katzanek (February 1, 2012) "*Moreno Valley: Sketchers' warehouse has caused net job loss*,"
<<http://www.pe.com/business/business-headlines/20120201-moreno-valley-skechers-warehouse-has-caused-net-job-loss.ece>>
- (4) *The Health Effects of Air Pollution on Children*, Michael T. Kleinman, Ph.D, Fall 2000,
<http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren>
- (5) *Diesel and Health in America: the Lingering Threat*, Clean Air Task Force, February 2005,
<http://www.catf.us/resources/publications/files/Diesel_Health_in_America.pdf>
- (6) Annual Meeting of the Brain & Lung Tumor and Air Pollution Foundation, April 2, 2010, <<http://www.aqmd.gov/hb/2010/April/100425a.htm>>
- (7) *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures*, California EPA OEHHA Air Toxicology and Epidemiology Branch, April 2009, p. 3.
<http://www.oehha.ca.gov/air/hot_spots/pdf/TSDCPFApril_09.pdf>
- (8) California Air Pollution Control Officers Association. (January 2008) *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*.
- (9) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapters 3, 4, and 9*
<http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/index.cfm>
- (10) Electronic Library of Construction Occupational Safety and Health (November/December 2002) *Construction Noise: Exposure, Effects, and the Potential for Remediation; A Review and Analysis*.
- (11) U.S. Department of Housing and Urban Development. (March 1985) *The Noise Guidebook*.

April 8, 2013
Page 29

(12) Suter, Dr. Alice H., Administrative Conference of the United States.
(November 1991) *Noise and Its Effects*.

RESPONSE TO LETTER F-13

Johnson & Sedlack on behalf of Sierra Club, Moreno Valley Group & Residents for a Livable Moreno Valley

Response to Comment F-13-1. The commenter states the Environmental Impact Report (EIR) fails as an informational document, is conclusory, and the conclusions are not based on substantial evidence in the record. The EIR does provide decision-makers with objective factual information about the potential impacts of the project, and draws conclusions about significant impacts based on evidence presented in the EIR and supporting technical studies. The following responses will demonstrate why this is to be the case for this EIR.

Response to Comment F-13-2. The commenter questions the project description and states “the project really proposes 2,710 acres of warehousing and 19 acres of additional open space and/or public facilities compared to what would exist without the project” and indicates the California Department of Fish and Game (CDFG) conservation land is in the Specific Plan. The CDFG (now California Department of Fish and Wildlife (CDFW)) conservation land is not in the World Logistics Center Specific Plan (WLCSP) but is in the requested General Plan Amendment and Zone Change to permanently change its land use designation from a variety of developed uses under the existing Moreno Highlands Specific Plan to Open Space, consistent with its present use. The revised project actually proposes less warehouse development (40.6 million square feet vs. 41.6 million under the original plan) with 74.3 acres of open space within the WLCSP (in addition to the 1,085 acres of open space in the CDFW Conservation Buffer Area which is not in the Specific Plan. Section 1.3 of this Final Environmental Impact Report (FEIR) Volume 2 clarifies the project characteristics of the original project analyzed in the Draft Environmental Impact Report (DEIR) and the current project that was revised to remove 100 acres of land and 1 million square feet of development.

Response to Comment F-13-3. The commenter outlines the main considerations for preparing a programmatic EIR versus a project-level EIR. However, the commenter fails to acknowledge the most basic and practical reasons for using a programmatic EIR, that being when a large project is proposed to be developed over a long period of time, but detailed information is not yet available about the development. In this case, the WLC project represents one of, if not the largest logistics project in the country at this time, but the size and location of individual buildings is not known, therefore, a programmatic EIR is the most appropriate California Environmental Quality Act (CEQA) compliance document at this time. CEQA encourages compliance at the earliest possible time information is known about a proposed development.

Response to Comment F-13-4. The commenter believes a programmatic EIR is not appropriate for this project. As outlined in Response to Comment F-13-3 above, a programmatic document is the most appropriate CEQA document that can be prepared at this time, given the size and phasing of the project and the lack of specific information known at this time about future development. The example the commenter uses is not applicable, all future development proposals within the WLCSP area will have subsequent CEQA analysis, ministerial approvals will not be given for new proposed warehouse buildings, regardless of location or size (WLCSP Section 11.3.2). All future development applications will have to tier off this programmatic EIR as part of subsequent CEQA compliance review.

Response to Comment F-13-5. The commenter states more specific information is needed on the Development Agreement (DA) and project development. As explained in DEIR Section 2.0, *Introduction*, the EIR is programmatic because no specific development information is available at this time (i.e., size and location of buildings) so by its nature the EIR cannot provide more detailed information in that regard. The Development Agreement deals with fee payments and non-

infrastructure commitments between the City and Highland Fairview. Information in the DA does not change the analysis of potential impacts or recommended mitigation in the DEIR.

Response to Comment F-13-6. The commenter states additional mitigation is required for loss of agriculture. In the DEIR, the CDFW Conservation Buffer Area just south of the WLCSP was included in the agricultural assessment because it was being dry farmed similar to the southern end of the WLCSP property. With that additional property, the agricultural assessment determined loss of agriculture was a significant impact using the Land Evaluation and Site Assessment (LESA) model developed by the State Department of Conservation. Based on comments on the DEIR regarding the LESA model analysis, the agricultural assessment in the DEIR (Appendix C-2) was revised to remove the CDFW Conservation Buffer Area (FEIR Volume 2, Appendix C-2). With that revision, the LESA model results indicate the loss of Farmland of Local Importance within the WLCSP is not significant (see FEIR Volume 2 Appendix C-1 through C-4) for details). However, to err on the side of caution, the FEIR concludes that cumulative loss of agricultural land is still significant. In responding to many comments about the loss of agriculture, will be required to provide offsite mitigation to offset the loss of onsite agriculture, with the mitigation ratio to be based on the current agricultural economic productivity of the WLC property compared to the economic productivity of the offsite mitigation property. Therefore, the following Mitigation Measure (MM) 4.2.6.1A has been added to the EIR in response to comments on agricultural impacts:

4.2.6.1A Prior to the issuance of any grading permit affecting land designated as “Unique Farmland” (Figure 4.2.2 in the World Logistics Center Environmental Impact Report), 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). It will include a consideration of various important physical factors including location and accessibility, soils and topography, micro and macro climatic conditions, water availability and quality, as well as local practices, good farm management and cultural (growing) costs. The form and content of this easement, as well as the estimates of agricultural productivity, shall be reviewed and approved in advance by the Planning Official.

This measure is intended to address concerns expressed by the commenter and others regarding loss of onsite agricultural land. However, even with this measure, the FEIR still concludes that loss of locally important agricultural soils is a significant impact of the WLC project.

Response to Comment F-13-7. The DEIR identifies potentially significant impacts associated with the WLCSP and provides appropriate mitigation measures to reduce the impacts to levels that are less than significant with regard to sensitive biological resources. An update Habitat Assessment and (Western Riverside County) Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis (FCS-MBA 2103 – FEIR Volume 2, Appendix E-1) was prepared to update existing conditions within the WLCSP area. The development of the WLCSP will potentially impact sensitive plants, nesting birds, six sensitive wildlife species (including burrowing owl) and jurisdictional drainage features. All feasible mitigation measures discussed in Section 4.4.6 of the DEIR will reduce project related impacts to less than significant levels. The biological mitigation measures have the following performance standards:

~~**4.4.6.1A** All development projects on lots adjacent to the CDFW property shall provide a minimum 250 foot setback between the CDFW property line and any building or vehicular circulation area (excluding emergency access drives). Permitted uses within or adjacent to this setback area include landscaping, drainage and water~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

~~quality facilities, fences and walls, maintenance access drives, and similar related uses. Prior to issuance of any discretionary permit in the WLCSP for development adjacent to the CDFW Conservation Buffer Area, development plans shall establish a minimum 250-foot clear setback along the southern property line of the WLC Specific Plan, both east and west of the SDG&E natural gas compressor plant. For the purposes of this measure, the term “clear” shall refer to all existing or future roads, industrial buildings or related improvements, walls, truck travel areas, etc. The only allowed uses within the 250-foot setback area are landscaping per the WLCSP, drainage or water quality basins, or relocation of any impacted plant or animal species from development areas within the Specific Plan. In addition, development plans shall also establish a minimum 150-foot setback from the north edge of the clear zone to the closest logistics warehouse building. This will provide a total minimum building setback of 400 feet from the northern edge of the CDFW Conservation Buffer Area to new warehouse buildings within the Specific Plan.~~

~~Development adjacent to the 250-foot open space setback shall have a minimum six-foot tall chain link fence to help separate warehouse activity from the buffer area. Any chain link fencing installed on any properties adjacent to the 250-foot buffer area shall have metal mesh installed below and above ground level to prevent animals from accessing new development areas. In addition, all truck activity areas within 750 feet of the southern boundary of the site shall be enclosed by minimum 11-foot tall solid block walls to help reduce noise and lighting impacts on the CDFW Conservation Area to the south. This measure shall be implemented to the satisfaction of the City Planning Division.~~

~~A landscape plan for the 250-foot setback area shall be submitted with any development proposal for lots adjacent to the CDFW property. The landscape plan shall be prepared by a licensed landscape architect in consultation with a qualified biologist and shall be consistent with the design standards contained in the Specific Plan. No plant species listed in Section 6.1.4 of the MSHCP shall be installed within the setback area. In conjunction with development adjacent to the CDFW Conservation Buffer Area, cottonwood trees shall be planted along the southern boundary of the 250-foot “clear” setback zone, consistent with the WLCSP landscaping plan and plant palette. This measure shall be implemented to the satisfaction of the City Planning Division in consultation with the SJWA Manager.~~

4.4.6.1A All Plot Plan applications within Planning Areas 10 and 12 (i.e. adjacent to the San Jacinto Wildlife Area as shown in Final EIR Volume 2 Figure 4.1.6B) shall provide a 250-foot setback from the southerly property line. Permitted uses within this setback area include landscaping, drainage and water quality facilities, fences and walls, utilities and utility structures, maintenance access drives, and similar related uses. No logistics buildings or truck access/parking/maneuvering facilities are permitted in this setback area.

In addition, logistics buildings within Planning Areas 10 and 12 may not be located within 400 feet of the southerly property line. All development proposals in Planning Areas 10 and 12 shall include a minimum six-foot tall chain link fence or similar barrier to separate warehouse activity from the setback area. This fence/barrier shall have metal mesh installed below and above ground level to prevent animals from moving between the development area and the setback area.

Within Planning Areas 10 and 12, all truck activity areas adjacent to the 250-foot buffer area along the southern property line shall be enclosed by minimum 11-foot tall solid walls to reduce noise and lighting impacts on the adjacent property. This measure shall be implemented to the satisfaction of the Planning Official.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

A preliminary landscape plan for the 250-foot setback area shall be submitted with all Plot Plan applications for lots adjacent to the California Department of Fish and Wildlife property. Precise landscape plans shall be submitted with any grading permit for said lots and must be approved prior to the issuance of any building permit on said lots. The landscape plan shall be prepared by a licensed landscape architect in consultation with a qualified biologist and shall be consistent with the design standards contained in the World Logistics Center Specific Plan. No plant species listed in Section 6.1.4 of the Western Riverside County Multiple Species Habitat Conservation Plan shall be installed within the setback area. Cottonwood trees shall be planted within the setback area consistent with the World Logistics Center Specific Plan. This measure shall be implemented to the satisfaction of the Land Development Division Manager.

Response to Comment F-13-8. The commenter states MM 4.1.6.1B does not establish performance standards in terms of visual impacts. The commenter is correct, the following language (underlined text) will be added to the measure to shield views from existing residences:

4.1.6.1B ~~Prior to the issuance of any discretionary permit for development under the WLCSP adjacent to Redlands Boulevard, Bay Avenue, and Merwin Street, the developer shall provide a plot plan or site plan, landscaping plan, and visual rendering(s) consistent with the WLCSP that accurately illustrate the appearance of the proposed development. The renderings shall be sufficient to demonstrate that views of the buildings and trucks will be effectively screened from view by existing residents upon maturity of planned landscaping. The location and number of view presentations shall be at the discretion of the City Planning Division.~~

4.1.6.1B Each Plot Plan application for development adjacent to Redlands Boulevard, Bay Avenue, or Merwin Street, shall include a plot plan, landscaping plan, and visual rendering(s) illustrating the appearance of the proposed development. The renderings shall demonstrate that views of proposed buildings and trucks can be reasonably screened from view from existing residents upon maturity of planned landscaping and to ensure consistency with the General Plan Objective 7.7. "Effective" screening shall mean that no more than the upper quarter (25%) of a building is visible from existing residences, which shall be achieved through a combination of landscaping, berms, fencing, etc. The location and number of view presentations shall be at the discretion of the Planning Division.

In addition, Response to Comment F-8-3 describes changes to MM 4.1.6.3A that will be made to protect future views of Mt. Russell from SR-60, a locally designated scenic highway.

Response to Comment F-13-9. The commenter states the EIR does not examine noise, health risks, and traffic impacts to onsite rural residential uses. In fact, the appropriate sections of the DEIR do address impacts to onsite rural residential uses.

DEIR Section 4.3.1.6, *Sensitive Land Uses in the project Vicinity*, specifically identifies the seven rural residences as sensitive receptors to be used in the air quality and health risk assessments, as follows...*"There are currently seven occupied single-family homes and associated ranch/farm buildings in various locations on the proposed project site. These residences are existing on-site sensitive receptors."* (DEIR page 4.3-20).

DEIR Section 4.3.6.3 *Localized Construction and Operational Air Quality Impacts*, discusses air quality and health risk impacts to these residences, as follows...*"The estimated maximum localized air quality impacts from the construction of the project in 2013 are summarized in Table 4.3.O. These*

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

maximum impacts were found at the locations of the existing residences within the boundaries of the Specific Plan... project construction would exceed the significance thresholds for NO_x, PM₁₀, and PM_{2.5} and thus represents a significant impact without mitigation.” (DEIR page 4.3-61). Due to their location within the property, feasible mitigation for air quality impacts to onsite rural residences is limited. In addition, the FEIR Volume 2 has been revised to more clearly indicate the conclusion that air quality impacts to onsite rural residences is significant (refer to FEIR Volume 2, Section 4.3).

DEIR Section 4.12.6 outlines the noise impacts on these residences and proposes mitigation (MM 4.12.6.1A, D, E, and G). DEIR Section 4.12.6.1, *Short-Term Construction Noise Impacts*, specifically identifies the seven rural residences as sensitive receptors, as follows...*“Sensitive receptors that would be potentially affected by on-site construction activities would include residences located within and adjacent to the WLCSP area...”* and further in the section states...*“the existing residences are considered to be noise-sensitive uses that would be affected by intense construction activities.* (DEIR page 4.12-32). This section goes on to conclude the following:

“Based on these projections, anticipated worst-case construction noise levels would regularly be exceeded during daytime and nighttime hours at residences within the Specific Plan area. Based on an Leq noise level of 90 dBA at 50 feet, an observer would need to be 1,580 feet from the construction to experience a noise level of 60 dBA (Leq), or 2,800 feet for a noise level of 55 dBA (Leq). Therefore, a residence within 1,580 feet during active construction during the daytime would be affected. Similarly, a residence within 2,800 feet during the nighttime would be affected by construction noise. As set forth in Section 3.4.14 and as stated by the project applicant, construction could occur 24 hours per day, 7 days per week for these construction activities. Therefore, noise levels at the nearest residences would exceed the City’s exterior noise standard of the 60 dBA 1 CNEL daytime standard and 55 dBA CNEL nighttime standard for residential uses. This is a significant impact requiring mitigation.” (DEIR page 4.12-34).

Therefore, MMs 4.12.6.1A, D, E, and G were proposed to help reduce potential noise impacts to onsite rural residences, as shown below:

~~**4.12.6.1A** Prior to issuance of any discretionary approvals for development in the WLCSP, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City of Moreno Valley for review and approval. The NRCP shall show the limits of nighttime construction in relation to any then occupied residential dwellings. Conditions shall be added to any discretionary projects requiring that the limits of nighttime grading be shown on the NRCP and all grading plans submitted to the City. The limits of construction allowed at night shall be clearly staked on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.~~

4.12.6.1A Prior to issuance of any discretionary project approvals, a Noise Reduction Compliance Plan (NRCP) shall be submitted to and approved by the City. The Noise Reduction Compliance Plan shall show the limits of nighttime construction in relation to any then-occupied residential dwellings and shall be in conformance with City standards. Conditions shall be added to any discretionary projects requiring that the limits of nighttime grading be shown on the Noise Reduction Compliance Plan and all grading plans submitted to the City (per Noise Study MM N-2, pg. 51).

~~**4.12.6.1D** All discretionary approvals for development in the WLCSP shall include conditions of approval stating that no nighttime grading shall occur within 2,800 feet of residences south of SR-60 (between 8 p.m. and 6 a.m. on weekends and 8 p.m. and 7 a.m. on weekends or holidays). These restrictions shall be included as part of the Noise Reduction Compliance Plan. As an alternative to this requirement, a temporary construction sound barrier may be used in lieu of the construction buffer, per Mitigation Measure 4.12.6.1E.~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- 4.12.6.1D** No grading shall occur within 2,800 feet of residences south of State Route-60 between 8 p.m. and 6 a.m. on weekdays and between 8 p.m. and 7 a.m. on weekends. These restrictions shall be included as part of the Noise Reduction Compliance Plan per Mitigation Measure 4.12.6.1A (per Noise Study MM N-2, pg. 51).
- 4.12.6.1E** As an alternative to Mitigation Measure 4.12.6.1D, a 12-foot tall temporary construction sound barrier may be installed for residences within 1,580 feet of active nighttime construction areas. The temporary sound barrier shall be constructed of plywood with a total thickness of 1-~~to~~ 4.5 inches, or a sound blanket wall may be used. If sound blankets are used, ~~the curtains they~~ must have a Sound Transmission Class (STC) rating of 27 or greater. This shall be included as part of the Noise Reduction Compliance Plan required in Mitigation Measure 4.12.6.1A, which shall be reviewed and approved by the City prior to implementation (per Noise Study MM N-2 and N-3, pg. 51 and pg. 52).
- 4.12.6.1G** Any discretionary approvals for development that proposes grading within 1,580 feet of occupied residential units shall require that all grading equipment be equipped with residential grade mufflers (or better). All stationary construction equipment shall be placed so that emitted noise is directed away from noise-sensitive receptors nearest the site. Additionally, stationary construction equipment shall have all standard acoustic covers in place during operation (per Noise Study MM N-4, pg. 52).

DEIR Section 4.15 describes projected onsite traffic impacts that would affect the rural residences, although it does not specifically mention the residences. The proposed Specific Plan roadway system will maintain onsite traffic conditions within City Level of Service (LOS) standards, as outlined in DEIR Table 4.15.B, therefore, there is no need for traffic or circulation mitigation specifically related to the rural residences.

Response to Comment F-13-10. The commenter states the DEIR fails to discuss the project's impacts in conjunction with other proposed, past, or current projects.

The TIA analyzes traffic operations on roadways, freeways, and at intersections in future year conditions. The TIA included future roadway assumptions based on Southern California Association of Governments' (SCAG's) approved Regional Transportation Plan project lists, which include hundreds of projects, and which were included by reference. The future roadway improvements are described in Chapter 2, Section A, the sub-section entitled "Network Assumptions." The analysis also takes into account other land development projects described in Chapter 2, Section A, the sub-section entitled "Land Use Assumptions." The analysis in the report on future year scenarios therefore does discuss impacts in conjunction with other proposed, past, and current projects.

Response to Comment F-13-11. The commenter cites a South Coast Air Quality Management District (SCAQMD) comment that the project represents 25% of *all* planned warehouse space in the region. The commenter states that the DEIR fails to evaluate the project's regional impacts on SR-60 and the Port of Long Beach, and understates the growth inducement impact on a regional level.

The comment is incorrect regarding the WLC's share of regional warehouse growth. As can be seen in the table below taken from SCAG's study entitled *Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities*, the demand for warehouse space in the region is expected to grow from 665 million square feet in 2013 to 1,250 million square feet by 2035 (see red boxes in table); at total growth of 585 million square feet. The WLC's 41 million square feet represents less than 7% of the foreseeable growth in demand.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Note that the port-related demand for warehouse space is expected to nearly triple by 2035 (see blue boxes) and non-port-related demand will grow by 69% (green boxes). This is due to a combination of factors including the growth of international trade, structural changes in how goods are distributed, and population and economic growth. These large increases in demand are inducing the growth in warehousing, not the other way around.

Exhibit 2.-Aggregate Port & Non-Port Demand For Warehousing Space						
Year	Port Demand	Change	Non-Port Demand	Change	Total Demand	Change
2008 actual	102,082,701		591,760,159		693,842,860	
2009 actual	84,132,118	(17,950,583)	578,615,853	(13,144,306)	662,747,971	(31,094,889)
2010	91,233,496	7,101,378	565,763,510	(12,852,342)	656,997,006	(5,750,964)
2011	96,473,797	5,240,301	553,196,647	(12,566,863)	649,670,444	(7,326,562)
2012	102,024,858	5,551,061	540,908,922	(12,287,725)	642,933,780	(6,736,664)
2013	107,905,626	5,880,768	557,214,315	16,305,393	665,119,941	22,186,161
2014	114,136,234	6,230,608	574,011,225	16,796,910	688,147,459	23,027,518
2015	120,738,070	6,601,836	591,314,468	17,303,243	712,052,538	23,905,079
2016	126,945,612	6,207,542	609,139,307	17,824,840	736,084,919	24,032,382
2017	133,495,571	6,549,959	627,501,467	18,362,159	760,997,038	24,912,118
2018	140,407,800	6,912,229	643,520,270	16,018,803	783,928,070	22,931,032
2019	147,703,346	7,295,546	659,948,000	16,427,730	807,651,346	23,723,276
2020	155,404,521	7,701,175	676,795,096	16,847,096	832,199,617	24,548,271
2021	162,925,869	7,521,348	694,072,263	17,277,167	856,998,132	24,798,515
2022	170,839,546	7,913,677	711,790,480	17,718,217	882,630,026	25,631,894
2023	179,167,005	8,327,459	729,961,006	18,170,526	909,128,011	26,497,985
2024	187,930,909	8,763,904	745,471,649	15,510,643	933,402,558	24,274,547
2025	197,155,201	9,224,292	761,311,872	15,840,223	958,467,073	25,064,515
2026	206,033,208	8,878,007	777,488,677	16,176,805	983,521,885	25,054,812
2027	215,342,517	9,309,309	794,009,217	16,520,539	1,009,351,734	25,829,848
2028	225,104,994	9,762,477	810,880,794	16,871,578	1,035,985,788	26,634,055
2029	235,343,644	10,238,650	828,110,869	17,230,075	1,063,454,513	27,468,725
2030	246,082,670	10,739,026	845,707,059	17,596,190	1,091,789,729	28,335,216
2031	257,347,537	11,264,867	864,320,511	18,613,452	1,121,668,048	29,878,319
2032	269,165,037	11,817,500	883,343,633	19,023,122	1,152,508,670	30,840,622
2033	281,563,363	12,398,326	902,785,441	19,441,808	1,184,348,804	31,840,134
2034	294,572,183	13,008,820	922,655,151	19,869,710	1,217,227,334	32,878,530
2035	307,277,606	12,705,423	942,962,180	20,307,029	1,250,239,786	33,012,452

Exhibit F-13-1: Aggregate Demand for Port and Non-Port Warehousing Space

An additional section (Chapter 12, Section F) has been included in the Traffic Impact Analysis (TIA) (refer to FEIR Volume 2, Appendix L-1) that analyzes project impacts on freeways to the port. The analysis, which is based on and supported by research done by SCAG and by the Port of Long Beach, found that only a small percentage of WLC truck traffic would be to and from the ports. See Table 86 in the revised TIA (Table F-13.A below) (FEIR Volume 2 Appendix L-1), repeated below.

Table F-13.A: Percentage of WLC Trucks to or from the Port

Year	% of Warehouse Space Used for Port-Related Cargo	% of Truck Trips Going to and from the Ports
2012	5.00%	2.07%
2022	9.30%	3.86%
2035	16.30%	6.76%

Response to Comment F-13-12. The commenter states the EIR should require specific phasing to better identify impacts. The temporary or construction impacts estimated in the DEIR are based on “worst case” daily estimates based on the estimated project phasing, which is appropriate given the programmatic nature of the EIR. Phasing for this type of project is difficult to estimate let alone control. Regardless of what phasing is estimated for analysis in the DEIR, the actual phasing of development will depend on actual applications for development in the future which is totally driven by market conditions and cannot be controlled by a schedule constructed as part of an environmental analysis document. It should be also be noted that processing of development applications takes many months if not years for large industrial projects, so it is likely the City would be processing only one large industrial warehouse application at a time, so the estimate of construction phasing impacts is still considered to be accurate given the physical and planning constraints upon the WLC project.

In addition, the DEIR evaluated the project assuming it was built out over a period of 10 years (buildout in 2022). Market conditions will prove this out, but if you take the 41.6 million square feet of logistics warehouse this would be assuming a build-out of 2.5 million square feet a year can be built over 15 years. This assumes there is available construction equipment and workers to complete 2.5 million square feet per year. The updated EIR (FEIR Volume 2) has increased the project construction period from 10 years to 15 years. This increase is the result of nearly 2 years having already passed since the issuance of the Notice of Preparation in the baseline year of 2012, placing the most optimistic construction start in 2014 thereby leaving only 8 years for project buildout. A reasonable project construction start would be 2015 and a 15 year construction period. This would place the project buildout in 2030. The updated DEIR (FEIR Volume 2) evaluated two project time periods for phasing; Phase 1 at the mid-point of anticipated project construction (2022); and Phase 2 at project buildout (2030).

The majority of the construction activity is expected to occur during typical construction hours (7:00 am to 6:00 pm, Monday through Saturday). It is anticipated that concrete pours could occur during nighttime periods to utilize the cooler temperatures and facilitate the concrete curing process. Due to the likelihood of these nighttime concrete pours, the DEIR has evaluated a 24 hrs/day, 7 days a week construction impact. It is not reasonable or foreseeable that all construction activity would occur 24 hrs/day, 7 days a week, and it is not reasonable or foreseeable it would occur for the entire 15 year construction period. The DEIR assumed the probable availability of construction equipment and likely duration of operation to complete the project in the 15 year construction period.

Section 3.4.13 and 3.4.14 in the FEIR Volume 2 has been updated to reflect the numbers in the revised air quality report (refer to FEIR Volume 2, Appendix D).

Response to Comment F-13-13. The commenter believes the EIR needs to be recirculated to address its deficiencies. The EIR does not need to be recirculated as the EIR does provide decision-makers with objective factual information about the potential impacts of the project, and draws conclusions about significant impacts based on evidence presented in the EIR and supporting technical studies. The responses to the commenter’s comments in this letter demonstrate why this is the case for this EIR. The commenter is referred to various other responses in this letter regarding all

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

feasible mitigation but the commenter was not specific about which mitigation measures he was referring.

Response to Comment F-13-14. The DEIR Section 4.01 *Aesthetics* provides eight (8) Computerized Photographic Renderings from sensitive viewpoints around the project boundary. While the programmatic DEIR does not have building locations, these renderings depict a building envelope located at the minimum building setback, the maximum building height and white building color. This results in a worst case scenario for the view impacts as it places the potential building(s) as close to the project boundary, and as high as allowed in the project Specific Plan. This would represent a full environmental analysis for visual impacts along these boundaries. Subsequent project level (plot plans) submittals including site specific renderings and elevations will provide project level environmental review and provide subsequent mitigation measures and conditions of approval.

Response to Comment F-13-15. The project is proposing to utilize a native/drought tolerant plant pallet to support the commitment to sustainability and minimize irrigation and water demands. Studies have found that smaller container stock at initial installation will outperform larger container stock after approximately 3 years of growth. Trees and shrubs tend to be less root bound in smaller container sizes and will adapt and mature much quicker than those installed with larger container stock.

The DEIR view simulations have provided a reasonable and foreseeable simulation of the view at installation and the subsequent growth at 15 years. It's expected the plants and trees will continue to grow and mature beyond the 15 years depicted, but the views shown provide a very reasonable and conservative depiction.

It is not the goal or objective of the project to completely obscure the buildings. The landscape will evolve as it matures, leaving gaps where a portion of a plant may die or tree branches don't extend as far as hoped. There is no certainty of complete obscurity. Studies have found that plants do perform better where there is room to grow and there is not a lot of competition. This will be particularly true as supplemental water will be at a minimum and in some cases non-existent. The project proponent has installed a test planting area, adjacent to the WLC, using the proposed project plant pallet. The test area has received no supplemental irrigation for three years and is performing exceptional well, consistent with the plants used in the visual renderings.

Response to Comment F-13-16. The commenter purports the EIR does not evaluate the project correctly relative to two of the City's General Plan policies regarding aesthetics. However, the commenter does not specify what policies. Table 4.1.C in DEIR Section 4.1.6.3 evaluates the WLC project's potential impacts relative to the City's General Plan policies regarding visual resources, and determines those impacts are significant based on project characteristics available at this time. In response to comments from this commenter and others, MM 4.1.6.1B has been modified to include a performance standard in addition to the visual renderings of future development (see Response to Comment F-13-8 above). This change should address the commenter's concerns regarding visual impacts. It is unclear why the commenter believes this conclusion is unsubstantiated when it concludes visual impacts are significant.

4.1.6.1B ~~Prior to the issuance of any discretionary permit for development under the WLCSP adjacent to Redlands Boulevard, Bay Avenue, and Merwin Street, the developer shall provide a plot plan or site plan, landscaping plan, and visual rendering(s) consistent with the WLCSP that accurately illustrate the appearance of the proposed development. The renderings shall be sufficient to demonstrate that views of the buildings and trucks will be effectively screened from view by existing residents upon maturity of planned landscaping. The location and number of view presentations shall be at the discretion of the City Planning Division.~~

4.1.6.1B Each Plot Plan application for development adjacent to Redlands Boulevard, Bay Avenue, or Merwin Street, shall include a plot plan, landscaping plan, and visual

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

rendering(s) illustrating the appearance of the proposed development. The renderings shall demonstrate that views of proposed buildings and trucks can be reasonably screened from view from existing residents upon maturity of planned landscaping and to ensure consistency with the General Plan Objective 7.7. "Effective" screening shall mean that no more than the upper quarter (25%) of a building is visible from existing residences, which shall be achieved through a combination of landscaping, berms, fencing, etc. The location and number of view presentations shall be at the discretion of the Planning Division.

Response to Comment F-13-17. The commenter states the conclusion of the "change in views" relative to future development is unsubstantiated. However, the currently approved General Plan land use and zoning designations for the WLC site are the Moreno Highlands Specific Plan (MHSP) which would allow a variety of residential and commercial uses to be developed on the site. The current condition of the site is largely vacant agricultural land, against which aesthetic impacts in the DEIR are measured, and they were determined to be significant. The DEIR also provided a comparison to the currently approved land uses, indicating that, under the MHSP, the site could be developed with a variety of residential and commercial uses which would cover essentially all of the site but with 1-2 story buildings (max. 35-40 feet) rather than the 60-80 foot tall warehousing buildings that would be built under the WLCSP.

Response to Comment F-13-18. 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, not on a project-by-project basis.

The commenters statement 'the EIR does not consider the seven homes within the Project area in determining its consistency...' is incorrect. Throughout the EIR document there is discussion regarding impacts to the existing residential uses within the Project. The Project includes a proposed amendment to the General Plan, including an amendment to the Land Use Plan, to change the designation of these properties to logistics land uses. If the General Plan Amendment and accompanying Zone Change are approved, the existing residential uses will become legal, non-conforming uses and be subject to Section 9.02.180 of the Municipal Code.

Response to Comment F-13-19. The commenter believes compliance with City standards would not reduce future lighting impacts under the WLC project to less than significant levels. However, the City recently adopted a lighting ordinance that was intended to deal specifically with skyglow and nightlighting in rural areas. Planning review of future development proposals within the WLC area will be required to comply with the City's lighting ordinance, as outlined under MM 6.1.6.4A in the DEIR. The commenter has not provided any empirical evidence that future development would create a significant nighttime lighting impact even if it was consistent with the City's lighting ordinance.

Response to Comment F-13-20. The commenter expresses concern that the EIR has not addressed nighttime lighting impacts from surrounding development. However, the commenter fails to acknowledge that the WLC project would result in development of much of the remaining vacant developable land in eastern Moreno Valley, and much of the land to the east (Badlands), south (Mystic Lake), and southwest (Lake Perris State Park) would not be developed and would not add additional nighttime lighting to the project area. Despite this, the proposed WLC represents the most significant source of future nighttime lighting for this area, regardless of whether it is compared to the projected General Plan growth or specific projects identified in the traffic impact assessment. With the recommended mitigation measures and compliance with the City's lighting ordinance, the project would still have cumulative lighting impacts, as already identified in Section 4.1.7 of the DEIR. The

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Executive Summary has been revised to be consistent with the cumulative analysis in DEIR Section 4.1.7.

Response to Comment F-13-21. MMs 4.1.6.1B, and 4.1.6.3A do have provisions that require each respective study to demonstrate they are consistent with the WLCSP. MM 4.1.6.4A requires the lighting studies to be consistent with the City Municipal Code. The comment expresses concern over the project being developed in compliance with the prepared renderings. A mitigation measure has been added to Section 4.01 as follows:

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.

Response to Comment F-13-22. The commenter believes the mitigation recommended in the DEIR for agricultural impacts is not sufficient. In responding to many comments about the loss of agriculture, the developer will be required to provide offsite mitigation to offset the loss of onsite agriculture, with the mitigation ratio to be based on the current agricultural economic productivity of the WLC property compared to the economic productivity of the offsite mitigation property. Therefore, Response F-13-6 in this letter above outlines a new mitigation measure (MM 4.2.6.1A) the developer has proposed to address these comments and the impacts to locally important agricultural soils. However, even with this measure, the FEIR still concludes that loss of locally important agricultural soils is a significant impact of the WLC project.

Response to Comment F-13-23. See Response to Comment F-13-6 above.

Response to Comment F-13-24. See Response to Comment F-13-6 above.

Response to Comment F-13-25. The health risk methodology employed in the health risk assessments contained in the DEIR and FEIR are based on the basic health risk and non-cancer risk formulations and meteorological data as recommended by OEHHA and SCAQMD and/or the ARB as discussed in the DEIR Section 4.7 and FEIR Volume 2, Section 4.7. In particular, the exposure durations for the residential and worker health risk assessment are 30 years and 25 years, respectively, as recommended by OEHHA. More importantly, the latest research demonstrates that new technology diesel exhaust does not contribute to cancer and the proposed project would prohibit traditional diesel engines. Please refer to Master Response-1 and Master Response-2 in Response to Comment C-3 for more information.

Response to Comment F-13-26. The commenter notes the DEIR talks about using a trip generation rate of 1.44 because this is a general plan EIR. This is not a general plan EIR. It should have said that the average rate was used because more than ten warehouses are under study. The commenter states that the correct rate of 1.68 was correctly applied, but criticizes the DEIR for not stating exactly how many warehouses are being proposed in the project.

The text in the EIR has been revised to clarify the discussion about a trip generation rate (FEIR Volume 2, Section 4.15.3.2 Project Trip Generation, Distribution, and Assignment). As stated in Section 2.1 of the Specific Plan, it is anticipated that the WLC will have 15-to-30 logistics warehouses. The exact number of buildings has not yet been determined though the total floor area will not exceed the amount shown in the project description. As noted by the commenter, the correct trip generation rate was used in the traffic analysis which formed the basis for the air quality analysis.

Response to Comment F-13-27. The commenter indicates that the following statement from the DEIR (page 4.3-17) is troubling: “While the 2010 State of the Air Report shows a slight uptick in the number of days of unhealthy air for ozone and annual particle pollution since the 2009 report, it is

important to note that pollution levels measured in this latter report were affected by fluctuations in weather conditions in 2010 and the addition of several new particulate monitoring stations in areas in San Bernardino known to be particularly problematic for particulate matter given local conditions.”

This uptick is not a change in the trend. A trend does not refer to one year of events, but is measured over a period of many years. The DEIR Section 4.3 (page 4.3-17) further explains that the uptick is primarily due to the addition of other PM monitoring stations. In addition, the Executive Summary of the revised air quality analysis presents additional graphs and information regarding the decreasing trend in pollution in the Inland Empire (see Master Response-1 in Letter C-3).

Response to Comment F-13-28. The commenter indicates that the evaluation of short-term construction is not supported. In CEQA, construction impacts are commonly referred as "short-term" while operational impacts are referred as "long-term" - this is to distinguish between the two activities, as operation does not have an identified end date. Additionally, the revised analysis extends construction over 15 years instead of 10, thereby reducing the daily emissions of pollutants and the intensity of construction since construction is spread over a longer time interval.

The commenter also indicates that the air quality analysis evaluates the use of construction equipment for only 10 hours per day with no limit on how much equipment is onsite, so the commenter claims the impacts are understated. MM 4.3.6.2A restricts construction equipment from being in the on position for more than 10 hours per day. The equipment assumptions used in estimating the emissions are a worst-case scenario and assumed a high quantity of equipment to be operating each day. Construction activities would vary substantially from day to day depending on the specific activity being performed, i.e., grading, building construction, paving, utilities, etc. In addition, the California Emissions Estimator Model (CalEEMod) default of the number of hours per day the off-road construction equipment would be in use is 6 to 8 hours per day.³⁸ As a result, the project analysis is conservative. In addition, with the refinement of the construction schedule, there would be fewer equipment onsite on any one day, thereby reducing the construction related emissions.

The commenter claims that the EIR fails to consider the overlap of construction phases. However, this is not true, as both the analyses in the DEIR and the revised analysis provide an estimate of the overlap of the construction phases (i.e., building construction occurring at the same time as paving) as well as the overlap of operation and construction. For the regional analysis, in the DEIR, refer to Table 4.3.W and Table 4.3.Y. The localized analysis (DEIR Section 4.3, pages 4.3-58 - 66) and the Health Risk Assessment (HRA) (DEIR Section 4.3, pages 4.3-71 through 4.3-83) also include all sources of construction and operation as such activities would overlap.

The commenter indicates that a mitigation measure should be incorporated requiring longer construction phasing. Although this is not a mitigation measure, the project details and assumptions have been refined to extend the construction from 10 years to 15 years.

Response to Comment F-13-29. The commenter indicates that the NO_x (14,800 pounds/day) and CO values in Table 4.3.U of the DEIR are high.

These refer to the “worst-case scenario” emissions, which use emission factors from the year 2012, assuming that the project is completely build out in 2012 and that there have been no emission upgrades to cars or trucks in the subsequent years as would be expected from the emission standards already adopted by the California Air Resources Board. This “worst case scenario” is an unrealistic scenario but is included to provide consistency with the analyses contained in the project traffic impact study. The DEIR also provides a more realistic scenario in which the project’s emission

³⁸ CalEEMod Manual, Appendix E, Section 1, Construction Survey by SCAQMD. Website: www.aqmd.gov/caleemod/doc/AppendixE.pdf

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

impacts are assessed assuming the expected construction and occupancy schedule for the project (Table 4.3.V in the DEIR indicates approximately 3,000 pounds per day of NO_x at buildout using 2022 emission factors). In addition, the revised analysis uses updated methodology and emission factors, which reflect further emission upgrades to the vehicle and truck fleet. The methodology also considers a detailed analysis of the roadways in which the project's vehicles and trucks would traverse, which provides a more realistic emissions estimation. The NO_x emissions for operation at buildout in the revised analysis are estimated to be approximately 1,000 pounds per day (DEIR Section 4.3, after mitigation).

The commenter incorrectly claims that the emissions do not include dust. The regional and localized emissions in the DEIR and in the revised analysis both include dust in both operation and construction in the form of fugitive dust, brake and tire wear dust, and re-entrained road dust. In addition, the dust estimates are displayed separately from the exhaust estimates in the revised analysis (see DEIR Section 4.3, Tables 4.3.Y).

Response to Comment F-13-30. The commenter claims that the DEIR provides an “apples to oranges” comparison of operational regional emissions and claims that the mitigation shows little impact. The revised analysis in the FEIR (see Section 4.3 and the revised Air Quality, Greenhouse Gas, and Health Risk Assessment, 2015) attempts to present the regional emissions more clearly for the benefit of the readers.

The commenter identifies a minor typographical error in Table 4.3.Y, which does not change any significance findings. This has been edited in the FEIR. The value was correct in Appendix D of the DEIR, Table 58.

Response to Comment F-13-31. The commenter claims that there is no evaluation of operational emissions past 2022 when emissions will no longer include construction. However, as shown in Table 4.3.J, in the DEIR year 2022 does not include construction. Therefore, the year 2022 is operation only. Additionally, after the year 2022, emissions will continue to decrease because the vehicle and truck fleet would be newer and would incorporate more advanced technology. In the revised analysis, years 2021, 2027, and 2035 (buildout) were also estimated for emissions and corresponding impacts (FEIR Section 4.3). The emissions for the interim years were interpolated and are shown in Section 4.3 in the FEIR.

Response to Comment F-13-32. The commenter expressed concern that the EIR did not examine the project's consistency with several General Plan policies (Ultimate Goal VII, Goal 6.1, Objective 7.5, and Policies 7.5.1, 7.5.2, and 7.5.5) regarding air pollution. However, the commenter apparently failed to note that these goals, objectives, and policies are addressed in other sections of the DEIR that deal with specific environmental issues. For example, DEIR Section 4.16.4.2.3 4 in Utilities evaluates the project's compliance with General Plan Policies 7.5.1 and 7.5.2 which are related to energy conservation.

Ultimate Goal VII. Emphasizes public health and safety, including, but not limited to, police, fire, emergency and animal services and protection from floods and other hazards. CEQA documents in the City of Moreno Valley do not typically evaluate consistency with the ultimate goals as they are very broad and projects are typically evaluated against the most specific goals, objectives, and policies that implement the ultimate goals. However, consistency with this goal will be added to DEIR Section 4.14, *Public Services*, and DEIR Section 4.9, *Hydrology and Water Quality*, in response to this comment.

Safety Element Goal 6.1. “To achieve acceptable levels of protection from natural and man-made hazards to life, health, and property.” FEIR Volume 2 Section 4.8, *Hazards and Hazardous Materials*, has been revised to include this policy.

Conservation Element Objective 7.5. “Encourage efficient use of energy resources.” FEIR Volume 2 Section 4.16.4.2.3 has been revised to include this policy.

Conservation Element Policy 7.5.5. “Encourage the use of solar power and other renewable energy systems.” The revised Specific Plan has a specific commitment to solar energy systems through implementation of MM 4.16.4.6.1C. FEIR Volume 2 Section 4.16.4.2.3 has been revised to include this policy.

Response to Comment F-13-33. The commenter notes the DEIR did not evaluate air pollutant emissions across the routes that will be used by project trucks, specifically those truck routes to the ports of Los Angeles and Long Beach.

In the health risk assessment contained in the DEIR, emissions and their resulting health risk impacts were estimated for individual freeway segments that extended from near Palm Springs to SR-71 near Corona, California. As a result of comments received on the DEIR, the number of freeway segments analyzed was extended from SR-71 westward along SR-60 and SR-91 to Interstate 710 to the ports of Los Angeles and Long Beach. Estimates of truck emissions along the routes were derived from the traffic volume data provided by the traffic impact model prepared by Parsons Brinkerhoff. The traffic analysis found that only a small percentage of WLC truck traffic would be to and from the ports. The inclusion of the traffic along the added freeway segments to the ports did not add any new impacts to those already included in the DEIR.

Response to Comment F-13-34. The commenter claims that several of the construction mitigation measures, such as MM 4.3.6.2A, are already required by law and therefore do not qualify as mitigation. The only measure already required by law is MM 4.3.6.2A(g), which requires compliance with SCAQMD Rule 403. Please see the FEIR Mitigation Monitoring Reporting Program for a list of the project’s mitigation measures.

The commenter desires MM 4.3.6.2A(c) to be edited to place restrictions to limit the hours of construction to 10 hours per day. The commenter is mistaken. The ten hours per day assumption does not reflect the amount of time construction activities will take during the course of the day. Rather, the 10 hours represents a conservative assumption of the amount of time any given piece of equipment would be in the “on” position. As noted in the DEIR, construction during some periods could go on for 24 hours per day. However, that construction represents different equipment operating at different times for different purposes. As discussed in the DEIR, it is expected that concrete will be poured during the night and early morning hours due to the difficulty of conducting large concrete pours when the sun is shining (see page 3-65 in the DEIR). Following the evening concrete pours, other construction activity will follow during the day. During all this activity it is not reasonably expected that any one piece of construction equipment would be in the “on” position for more than ten hours. In fact, CalEEMod, the model used to estimate construction emissions, typically uses an assumption of 6 to 8 hours per day (see Response to Comment F-3-28). For all these reasons, it is infeasible to limit to construction activity to 10 hours per day. For purposes of the air quality assessments, construction equipment was conservatively assumed to be in the “on position” from 6am to 4pm and concrete pouring would occur from midnight to 6 am.

Response to Comment F-13-35. The commenter indicates that “whenever possible” in MM 4.3.6.2C(d) be removed to make the mitigation legally enforceable. MM 4.3.6.2C has been edited to remove that requirement since it did not address air quality or greenhouse gases.

Response to Comment F-13-36. The commenter indicates that MM 4.3.6.3A does not prevent vehicles from accessing buildings on unpaved roads. MM 4.3.6.3A requires that during operation, vehicles must access buildings using paved roads.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-13-37. The commenter requests that MM 4.3.6.3B(f) and (g) be edited to require that all trucks be SmartWay 1.0 or greater carriers.

SmartWay features (low rolling resistance tires and aerodynamic devices) are required through California's Tractor-Trailer Greenhouse Gas Regulation. 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.

Response to Comment F-13-38. The commenter indicates that MM 4.3.6.4A should be edited to provide storage lockers for a greater portion of full-time employees.

The commenter does not specify the quantity of storage lockers that would be acceptable to the commenter. The DEIR required a storage locker for 3 percent of the full-time equivalent employees based on a ratio of 0.50 employee per 1,000 square feet of building area. Thus, if the project is 40,600,000 square feet, there would be 20,300 employees and 609 storage lockers. The California Air Pollution Control Officers Association (CAPCOA) document does not specify an appropriate quantity of storage lockers for measure TRT-5. The California Green Building Code, as a non-residential voluntary measure, in Section A5.106.4.3, Changing Rooms, specifies one 2-tier locker for each 50 tenant-occupants. Therefore, if that ratio was used, there would be 487 storage lockers. Therefore, the project would provide more storage lockers compared with the voluntary Green Building Code.

The commenter indicates that MM 4.3.6.4A be edited to require 10 percent of vehicle parking spaces for additional electric vehicle charging. In the DEIR, the measure required two electric vehicle-charging stations at each building. The measure has been edited to also require for facilities with 100 parking spaces or more to have three percent of the total parking spaces capable of supporting electric vehicle charging. Any estimate of future demand for electric charging parking spaces is purely speculative. The State of California has had regulations requiring electric vehicles for over 20 years with no appreciable change in demand or availability of electric vehicles. Nonetheless, the project has committed to installing infrastructure based on the best available estimate of future demand, based on the building standard proposed by the California Buildings Standards Commission at Section 5.106, which calls for 3% of parking spaces being capable of supporting electric vehicle charging.

The commenter indicates that bicycle storage should be increased. However, the commenter does not provide a suggested quantity or a reference to support the increase. The CAPCOA document, Quantifying Greenhouse Gas Mitigation Measures (2010), measure SDT-6 suggests providing parking to meet "peak season maximum demand," but does not identify a quantity. In the DEIR, MM 4.3.6.4A requires that bicycle parking be provided for two percent of the parking spaces. This has been increased to five percent in the FEIR.

Response to Comment F-13-39. The commenter requests additional mitigation. Please refer to Response to Comments F-13-40 and F-13-41.

The commenter also claims that the project's significant air quality and health impacts justify project denial. The City Council will consider all comments on the project prior to making a decision on the project.

Response to Comment F-13-40. The commenter requests the mitigation measures as shown in the table below. Many of the suggested mitigation measures are covered under SCAQMD Rule 403, which the project will comply with (MM 4.3.6.2A requires that the project comply with the rule and page 4.3-55 of the DEIR discusses the rule). In addition, the project is considered a "Large Operation"

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

under Rule 403. Therefore, the project would comply with the additional measures as identified in the rule.

Suggested Mitigation Measure	Response
1. Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.	Already in SCAQMD Rule 403. Section (d)(5) of Rule 403 states that at least one of the following should be at each vehicle egress from the site to a paved public road: (A) Install a pad consisting of washed gravel (minimum-size: one inch) maintained in a clean condition to a depth of at least six inches and extending at least 30 feet wide and at least 50 feet long. (B) Pave the surface extending at least 100 feet and at least 20 feet wide. (C) Utilize a wheel shaker/wheel spreading device consisting of raised dividers (rails, pipe, or grates) at least 24 feet long and 10 feet wide to remove bulk material from tires and vehicle undercarriages before vehicles exit the site. (D) Install and utilize a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the site. (E) Any other control measures approved by the Executive Officer and the U.S. EPA as equivalent to the actions specified in subparagraphs (d)(5)(A) through (d)(5)(D).
2. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g., install wheel shakers, wheel washers, and limit site access.)	
5. Pave all construction access roads at least 100 feet on to the site from the main road.	
3. All roadways, driveways, sidewalks, etc., should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.	Not Included. However, the project developer would likely choose to complete these as soon as possible. MM 4.3.6.3A requires that prior to operation the roads and parking lots must be paved. The Stormwater Pollution Prevention Plan (SWPPP) imposed by the Regional Water Quality Control Board (RWQCB) already requires Best Management Practices (BMPs) that include each one of the measures listed to prevent erosion and sediment discharges downstream. MM 4.9.6.2B addresses this issue. There is no need for additional mitigation.
4. Pave all construction roads.	Not Included. Travel on unpaved roads will be conducted pursuant to SCAQMD Rule 403. During grading and utility installation, construction roads can change daily, during building construction they change less often. Paving would be impractical as it would place wasteful energy and resources into something that is frequently changing.
6. Limit fugitive dust sources to 20 percent opacity.	Already Included in SCAQMD Rule 403. Section (d)(1)(B) states: No person shall cause or allow the emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area such that: (B) the dust emission exceeds 20 percent opacity (as determined by the appropriate test method included in the Rule 403 Implementation Handbook), if the dust emission is the result of movement of a motorized vehicle.
7. Require a dust control plan for earthmoving operations.	Already Included in SCAQMD Rule 403. The project qualifies as a Large Operation; therefore, an AQMD approved dust control plan is required (see Section (e)(2)).
8. When materials are transported off-site, all	Already Included in SCAQMD Rule 403. Best Available

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
material shall be covered, effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.	Control Measures, control measure 09-2 for importing/exporting of bulk materials states, "Maintain at least six inches of freeboard on haul vehicles."
9. All streets shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.	Already Included in SCAQMD Rule 403. SCAQMD Rule 403 requires "No person shall allow track-out to extend 25 feet or more in cumulative length from the point of origin from an active operation. Notwithstanding the preceding, all track-out from an active operation shall be removed at the conclusion of each workday or evening shift." Section (d)(4).
10. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.	Already Included in SCAQMD Rule 403. SCAQMD Rule 403 specifies a dust control supervisor, which has the authority to employ sufficient dust mitigation measures to ensure compliance with all Rule 403 requirements (c)(17). Large operations must appoint a dust control supervisor (e)(1)(E).
11. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.	Incorporated. This has been incorporated into MM 4.3.6.2A.
12. Extend grading period sufficiently to reduce air quality impacts below a level of significance.	Incorporated. As discussed in the revised Air Quality, Greenhouse Gas, Health Risk Assessment analysis, the grading period has been extended. However, impacts are still over the SCAQMD significance thresholds.
13. The simultaneous disturbance of the site shall be limited to five acres per day.	Not Incorporated. This measure is not feasible for the project given the size of the project. The WLCSP establishes a lower limit on the size of the high-cube warehouses at 500,000 square feet, or approximately 11 acres, with buildings four times that size possible. Obviously, to construct any one building would require disturbance of more than five acres. Assuming 5-foot cuts and fills over a five-acre site, grading would require the movement of 40,000 cubic yards, which could be accomplished in 4 hours. A grading operation can move 100,000 cubic yards or more per day. Limiting to 5 acres is not practical as grading is dependent on earthwork balances of cuts and fills and room to operate the equipment. The project is incorporating all feasible dust control measures and will comply with the requirements of SCAQMD Rule 403.
14. Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.	Already Included in SCAQMD Rule 403. Best available control measures (10-1) requires that soils, materials, and slopes be stabilized. Dust control measures for large operations indicates that inactive disturbed surface areas establish ground cover within 21 days (Table 2, 3c).
15. Any onsite stockpiles of debris, dirt or other dusty material shall be covered or watered three times daily.	Already Included in SCAQMD Rule 403. Dust control measures for large operations requires that unpaved roads be watered 3 times per day (Table 2, 4a); open storage piles would also be watered (Table 2, 5b).
16. Any site access points within 30 minutes of any visible dirt deposition on any public roadway shall be swept or washed.	Partially Included. SCAQMD Rule 403 requires that large operations prepare a dust control plan, which addresses these concerns. SCAQMD Rule 403 requires

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
17. A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.	a dust control program for any soil disturbances and has measurements based upon microns of dust leaving the site. They also require sweeping of streets within 1 hour of any visible track out onto streets.
18. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.*	
19. Develop a trip reduction plan to achieve a 1.5 AVR for construction employees.	<p>Not Incorporated. It is assumed that the commenter is referring to average vehicle ridership. The average vehicle ridership can be calculated by dividing the number of persons traveling by the number of private vehicle trips. So, in essence, a 1.5 Average Vehicle Ridership (AVR) would require 1 in 3 construction workers (or 33 percent) to travel by non-private vehicle method. This is not feasible for the project. Much of the construction workforce comes from home directly to the job site. The project would be drawing from all areas and directions (Beaumont, Redlands, San Bernardino, Riverside, Perris, Moreno Valley, Hemet, San Jacinto and beyond). If the traffic was one-directional then the project could setup a carpool lot, but that's not the case.</p> <p>MM 4.3.6.2A already requires that a ridesharing program be made available to construction employees and lunch options and/or a lunch shuttle service be provided for construction employees.</p>
20. Require high pressure injectors on diesel construction equipment.*	Not Incorporated. MM 4.3.6.2A requires Tier 4 construction equipment, the cleanest available construction equipment.
21. Restrict truck operation to "clean" trucks, such as a 2007 or newer model year or 2010 compliant vehicles.*	Incorporated. MM 4.3.6.2A has been edited to require 2007 or newer haul trucks.
22. Require the use of CARB certified particulate traps that meet level 3 requirements on all construction equipment.*	Not Necessary. MM 4.3.6.2A requires that Tier 4 equipment be used. Particulate traps are incorporated into the design of Tier 4 equipment.
23. Utilize only CARB certified equipment for construction activities.*	Already Included. MM 4.3.6.2A requires Tier 4 equipment. By law, all construction equipment must be CARB-certified for use in California.
24. The developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use and/or idling in excess of 3 minutes.*	Included. MM 4.3.6.2A requires that all contractors turn off diesel powered construction equipment or limit onsite idling to 3 minutes or less in any one hour.
25. Restrict engine size of construction equipment to the minimum practical size.*	Not Included. The construction contractor will determine what construction equipment size is appropriate for the job.
26. Use electric construction equipment where technically feasible.*	Already Included. MM 4.3.6.2A requires onsite electrical hookups and the use of electric tools where feasible.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
27. Substitute gasoline-powered for diesel-powered construction equipment.*	Not Included. Non-diesel powered equipment may not be available. In addition, MM 4.3.6.2A requires Tier 4 construction equipment.
28. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel.*	
29. Use methanol-fueled pile drivers.*	
30. Install catalytic converters on gasoline-powered equipment.*	<p>Partially Included Under Regulation. Spark-ignition regulation applies to gasoline, propane, and compressed natural gas equipment. Compression-ignition regulation applies to diesel-powered equipment. MM 4.3.6.2A requires Tier 4 compression-ignition standards for diesel-powered equipment; see www.epa.gov/otaq/standards/nonroad/nonroadci.htm.</p> <p>California Air Resources Board's Large Spark-Ignition (LSI) Engine Fleet Regulation applies to equipment that uses LSI engines greater than 25 horsepower. To control LSI engines, there are automotive-style controls, such as a three-way catalytic converter, which controls hydrocarbons, NOx, and CO (ARB, Spring 2013, Course #505, LSI Engine Fleet Regulation Training, www.arb.ca.gov/msprog/offroad/orspark/presentations/lsi_fleet_regulation_tutorial_7-29-13.pdf). Forklift fleets must meet average emission level standards.</p> <p>The EPA's spark-ignition regulation is for gasoline powered engines. For engines at or below 19 kilowatts, the small spark-ignition standards apply (www.epa.gov/otaq/standards/nonroad/smallsi-exhaust.htm); otherwise the large spark-ignition engine standards apply (www.epa.gov/otaq/standards/nonroad/largesi.htm).</p>
31. Require the use of Alternative Diesel Fuels on diesel equipment used. Alternative diesel fuels exist that achieve PM ₁₀ and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14 percent reduction in NOx and a 63 percent reduction in PM ₁₀ compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	Not Included. The ARB has verified Lubrizol's PuriNOx for 1988 through 2003 model year diesel engines used in on-road applications and 1996-2002 off-road (www.arb.ca.gov/diesel/verdev/vt/cvt.htm). This is consistent with the ARB's Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines (www.arb.ca.gov/diesel/verdev/reg/procedure_march2011.pdf). As such, it is not approved for use on the newer equipment that would be used on the WLC construction site or project.
32. Electrical powered equipment shall be utilized in-lieu of gasoline-powered engines where technically feasible.*	Already Included. MM 4.3.6.2A requires onsite electrical hookups and the use of electric tools where feasible.
33. All forklifts shall be electric or natural gas powered.*	Partially Included. Electrical hookups are provided during construction pursuant to MM 4.3.6.2A. However, the availability of construction electric or natural gas forklifts may not be available or feasible. The air quality analysis assumed use of diesel-powered forklifts during

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
	construction to provide a conservative emissions estimate. Nevertheless, MM 4.3.6.2A has been edited to require these if feasible during construction.
34. Suspend use of all construction equipment operations during second stage smog alerts.*	Partially Included. MM 4.3.6.2D requires that mass grading cease on days with an Air Quality Index greater than 150, which is when the air is unhealthy and equates to approximately 95 parts per billion of 8-hour ozone. The “smog alert” term is no longer used by the SCAQMD.
35. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*	Already Included. Refer to MM 4.3.6.2B.
36. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*	
37. Reroute construction trucks away from congested streets and sensitive receptor areas.*	Incorporated. This has been incorporated into MM 4.3.6.2B
38. Configure construction parking to minimize traffic interference.*	Already Included. Refer to MM 4.3.6.2B.
39. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*	Incorporated. MM 4.3.6.2A has been edited to require participation in a ridesharing program and lunch options (either onsite or a shuttle service).
40. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.*	
41. Provide shuttle service to food service establishments/commercial areas for the construction crew.*	
42. Provide shuttle service to transit stations / multimodal centers for the construction crew.*	Not Included. If there is a demand for this service, it can be considered by the construction contractor and/or applicant.

* The commenter indicates that these measures would also reduce greenhouse gas emissions.
Source of suggested mitigation measure: Comment F-13-40

Response to Comment F-13-41. The commenter recommends the following mitigation measures:

Suggested Mitigation Measure	Response
1. All trucks accessing the Project site must meet 2010 standards or better at opening, improving to advance to higher standards by 2022. Results, including backup data shall be reported to the Planning Department semi-annually.*	Included (1 & 2). MM 4.3.6.3B requires that diesel trucks be model year 2010 or later. Compliance with the mitigation measure will be documented through the Mitigation Monitoring and Reporting Plan.
2. If the above mitigation is not feasible, the tenant shall phase-in trucks beginning with 30 percent 2010 standards or better at opening and continually improving, to introduce newer trucks faster than regulatory standards. (Alternatively, see 8-10 below)	

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
3. The Project shall not only provide infrastructure for alternative fuels (for example, electric or natural gas) but require that its usage be phased in as soon as such technology is technologically feasible. Such infrastructure must be adequate to provide alternative fuels for the entire project or, if deemed infeasible, at least 25 million square feet of logistics warehousing and its associated truck trips.	Partially Included. MM 4.3.6.3C requires onsite alternative fueling infrastructure. However, requiring alternative fueled technology is not feasible as discussed in Master Response- 3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment.
4. The tenants shall implement advanced technology demonstration and implementation Programs.	Included. The project would incorporate an alternative fueling station (MM 4.3.6.3C) and electric vehicle charging capabilities (MM 4.3.6.4A).
5. Tenants shall be required by contract to apply for funding to retrofit and replace older, dirtier trucks prior to purchase or lease of any portion of the site.	Not Required. Because all diesel trucks that access the project site be model year 2010 or newer, this measure is not required since there would not be “older, dirtier trucks” on the project site.
6. Incorporate another method of accelerated penetration of partial zero-emission and zero emission vehicles and trucks through funding assistance.	Not Included. See Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment, which addresses the infeasibility of zero and near-zero emission trucks.
7. Accelerate retirement of older light-, medium-, and heavy- duty vehicles, through funding incentives or contract specification.	Not Required. All diesel trucks that access the project site be model year 2010 or newer.
8. The operator of any Project facilities shall become SmartWay Partner.*	Partially Included (8-12). SmartWay features (low rolling resistance tires and aerodynamic devices) are required through California’s Tractor-Trailer Greenhouse Gas Regulation. 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. It is unknown what that would mean to their business and operations.
9. All Project facilities shall meet SmartWay 1.25 ratings.*	
10. All Project facilities shall use only freight companies that meet SmartWay 1.25 ratings.*	
11. (ALTERNATIVELY from 2,3 above) The operator of the primary facilities shall incorporate requirements or incentives sufficient to achieve at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*	
12. The operator of the primary facilities shall incorporate requirements or incentives sufficient to achieve a 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*	

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
<p>13. All spaces utilizing refrigerated storage, including restaurants and food or beverage stores, shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration units shall be prohibited from accessing the site. All leasing documents shall include these requirements and provide that violation of those provisions will constitute a material breach of the lease that will result in the termination of the lease. Because of the fact that these terms of the lease are designed to benefit the public, the public shall be considered to be a third party beneficiary with standing to enforce the requirements of the lease.*</p>	<p>Partially Included. <u>Mitigation Measure 4.3.6.3E says, “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 application proposing refrigerated space. Any such proposal shall include electrical hookups at dock doors to provide power for vehicles equipped with Transportation Refrigeration Units (TRUs).”</u></p>
<p>14. Install catalytic converters on gasoline-powered equipment.*</p>	<p>Not Included. Onsite equipment would be powered by an alternative fuel, not diesel or gasoline.</p>
<p>15. Where diesel powered vehicles are necessary, require the use of alternative diesel fuels. Alternative diesel fuels exist that achieve PM₁₀ and NO_x reductions. PuriNO_x is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14 percent reduction in NO_x and a 63 percent reduction in PM₁₀ compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.</p>	<p>Not Required. During operation, MM 4.3.6.3B and project design features require non-diesel onsite equipment, forklifts, yard trucks, and emergency generators. If the commenter intended this to be applied to on-road diesel trucks, this is not feasible because of availability constraints. WLCSP Section 12.3 prohibits the use of diesel powered on-site service vehicles.</p>
<p>16. Electrical powered equipment should be utilized in-lieu of gasoline-powered engines where technically feasible.*</p>	<p>Partially Included. It is typical that most support equipment in a logistics facility is zero-emission. However, since it is unknown who the future tenants will be or what equipment will be specifically required onsite, it is not feasible to limit onsite technology beyond the current prohibition on the use of diesel equipment onsite.</p>
<p>17. Utilize only electrical equipment for landscape maintenance.*</p>	<p>Not Included. Landscaping emissions are negligible (less than 1 metric tons of Carbon Dioxide Equivalent (MTCO_{2e}) and less than 1 pound per day of VOC, NO_x, PM₁₀, and PM_{2.5}); therefore, this measure would not substantially reduce air pollutant or greenhouse gas emissions.</p>
<p>18. All forklifts shall be electric or natural gas powered.*</p>	<p>Partially Included. Project design features require non-diesel forklifts (WLCSP Section 12.3). Forklifts used inside warehouses are commonly electric.</p>

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
19. Utilize only electric yard trucks.*	Not Included. MM 4.3.6.3B requires non-diesel yard trucks. However, it is not feasible to require an electric yard trucks because they are not commercially available and it is unknown whether they will become commercially available. See Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment.
20. Prohibit idling of trucks for periods exceeding three minutes.*	Partially Included. MM 4.3.6.3B requires that trucks not idle for more than three minutes; the California Air Resources Board Airborne Toxic Control Measure (13 CCR, Chapter 10, Section 2485) also limits truck idling to 5 minutes at any location.
21. Provide electrical vehicle (“EV”) and compressed natural gas (“CNG”) vehicles in vehicle fleets.*	Partially Included. The project would encourage electrical vehicles by providing charging stations (MM 4.3.6.4A). In addition, the project would also provide an alternative fueling station (MM 4.3.6.3C).
22. Charge reduced or no parking fee for EVs and CNG vehicles.*	Not Applicable. There are no parking fees on the project site.
23. Install EV charging facilities for a minimum of 10 percent of all parking spaces.*	Partially Included. MM 4.3.6.4A requires that three percent of the parking spaces provide electrical charging facilities.
24. Install a CNG fueling facility.*	Partially Included. MM 4.3.6.3C requires an onsite alternative fueling station. However, the fuel is not identified to allow for flexibility for the potential for future alternative fuels.
25. Provide preferential parking locations for EVs and CNG vehicles.*	Included. MM 4.3.6.4A requires preferential parking for alternative fueled vehicles.
26. Implement parking fee for single-occupancy vehicle commuters.*	Not Included. Whether through incentives or disincentives, all tenants would be required to comply with SCAQMD Rule 2202 which seeks to discourage single-occupant commuting through multiple strategies. However, a parking fee is not going to be required as mitigation at this time.
27. Plant shade trees in parking lots to provide minimum 50 percent cover to reduce evaporative emissions from parked vehicles.*	Already Included. As shown in page 4.7-42 of the DEIR and in the WLCSP (Section 5.2.7.7), parking areas will be landscaped to provide a shade canopy (50 percent coverage at maturity).
28. Plant at least 50 percent low-ozone forming potential (Low-OFP) trees and shrubs, preferably native, drought-resistant species, to meet city/county landscaping requirements.*	Partially Included (28 & 29). The WLCSP requires a drought tolerant native plant palette (Section 5.4.2, Section 6.0, Section 5.1.8.3). There are number of attributes that the project landscaping may possess. These include drought tolerance, native, low-VOC, shading, screening, and others. All of these attributes will be considered when selecting trees, but some attributes for considered more important, such as native and drought tolerant. In addition, some attributes may be more highly valued based on the proposed location, such as shading in a parking lot or screening along the project interface. All of these attributes will be taken into consideration during the project-specific environmental review.
29. Plant Low-OFP, native, drought-resistant, tree and shrub species, 20 percent in excess of that already required by city or county ordinance. Consider roadside, sidewalk, and driveway shading.*	

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
<p>30. Orient 75 percent or more of buildings to face either north or south (within 30 degrees of N/S) and plant trees and shrubs that shed their leaves in winter nearer to these structures to maximize shade to the building during the summer and allow sunlight to strike the building during the winter months.*</p>	<p>Partially Included. There are number of factors that would be considered in the determining the orientation, each having their own potential environmental consideration. For example, the proposed project site has a downslope in the north-south direction. That means in order to orient buildings in the north-south direction, significant additional grading would be needed, increasing greenhouse gas emissions. While some buildings, depending on size and location, may be able to be accommodated in the north-south direction, other buildings may not. In addition, the location of interior roads, exterior access points, location of the San Jacinto Fault, existing natural gas pipelines onsite, etc. will affect the orientation of future buildings such that they may not all be able to be oriented north-south. For reasons such as this, Leadership in Energy and Environmental Design (LEED) certification is required (WLCSP Section 12.8 and MM 4.16.4.6.1C). LEED requirements take a holistic view to incorporate the greatest number of building attributes in order to create a green building. This suggested measure may be a LEED credit and will be considered when selecting LEED credits to apply to the project, if feasible.</p>
<p>31. Provide grass paving, tree shading, or reflective surface for unshaded parking lot areas, driveways, or fire lanes that reduce standard black asphalt paving by 10 percent or more.*</p>	<p>Already Included. The project would provide tree canopy shade coverage for at least 50 percent of the parking lots at maturity (WLCSP Section 5.2.7.7). In addition, MM 4.16.4.6.1A requires cool pavements.</p>
<p>32. Electrical outlets shall be installed on the exterior walls of all residential and commercial buildings (and perhaps parking lots) to promote the use of electric landscape maintenance equipment.*</p>	<p>Included. This has been added to MM 4.3.6.4A.</p>
<p>33. Prohibit gas powered landscape maintenance equipment within residential, commercial, and mixed-use developments. Require landscape maintenance companies to use battery powered or electric equipment or contract only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use or any combination of these two themes.*</p>	<p>Not Included. Landscaping emissions are negligible (less than 1 MTCO_{2e} and less than 1 pound per day of VOC, NO_x, PM₁₀, and PM_{2.5}); therefore, this measure would not substantially reduce air pollutant or greenhouse gas emissions.</p>
<p>34. Implement parking cash-out program for non-driving employees.*</p>	<p>Partially Included. Employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter.</p>
<p>35. Require each user to establish a carpool/vanpool program.*</p>	<p>Already Included. MM 4.3.6.4A requires that the tenants participate in Riverside County's rideshare program, which has a carpool/vanpool program. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter.</p>

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
36. Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.*	Not Incorporated. MM 4.3.6.4A requires the installation of electric vehicle charging systems. There is not expected to be any relationship between tenants at the WLC. As result, there is no need to for individuals to travel between buildings on a routine basis. As such, there is no need for a neighborhood electric vehicle system.
37. Provide preferential parking for carpool/vanpool vehicles.*	Already Included. MM 4.3.6.4A requires preferential parking for carpool/vanpools. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter.
38. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*	Already Included. MM 4.3.6.4A requires that the tenants participate in Riverside County's rideshare program, which can provide incentives. In addition, employers operating at WLC will be required to comply with SCAQMD Rule 2202, which achieves the goals requested by the commenter.
39. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*	Already Included. The Specific Plan and MM 4.3.6.4A requires safe pedestrian access.
40. Provide direct safe, direct bicycle access to adjacent bicycle routes.*	Already Included (40 & 41). MM 4.3.6.4A requires bicycle lanes.
41. Connect bicycle lanes/paths to city-wide network.*	
42. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*	Already Incorporated. Public transit would be incorporated into the design of the WLC. See Section 3.4.6.2 of the FEIR.
43. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*	Already Incorporated. Public transit would be incorporated into the design of the WLC. See Section 3.4.6.2 of the FEIR.
44. Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees.	Incorporated. This has been incorporated into MM 4.3.6.4A.
45. Provide shuttle service to food service establishments/commercial areas.*	Not Included. MM 4.3.6.3D requires an onsite facility for the sale of food and convenience items.
46. Provide shuttle service to transit stations/multimodal centers.*	Not Included. Transit-oriented design would be incorporated into the design of the WLC. Transit service will be provided by the Riverside Transit Agency (RTA), which will determine what routes will best serve the WLC when service is extended to the WLC. In addition, a shuttle service may discourage the RTA from providing service to the project.
47. Provide onsite child care or contribute to off-site child care within walking distance.*	Not Included. The project health risk assessment did not account for children spending all day at the project site. The Specific Plan, project goals, and project objectives do not promote child care uses. Also, see Response to Comment F-9B-35 for why there is no suitable locations for offsite child care facilities.
48. Implement a compressed workweek schedule.*	Partially Included (48 and 49). MM 4.3.6.4A allows for some of these activities which may be appropriate for

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
49. Implement home-based telecommunicating program, alternate work schedules, and satellite work centers.*	some office workers, but warehouse workers must be onsite for specific shifts, even if they are during off-peak times. Future development will also comply with the City's established greenhouse gas policies.
50. All buildings shall be constructed to LEED Platinum standards.*	Partially Included. MM 4.16.4.6.1C requires LEED certification. Specification to Platinum is not needed for the project (see Response to Comment A-4-4).
51. Design buildings for passive heating and cooling and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.*	Already Included. Page 4.16-39 of the DEIR states, "The project will encourage passive heating and cooling opportunities into the design or modification of the high-cubed warehouse developments and ancillary land uses." MM 4.16.4.6.1B would place skylights where it does not affect placement of solar panels. In addition, MM 4.16.4.6.1B was also edited to include this measure.
52. Construct photovoltaic solar or alternative renewable energy sources sufficient to provide 100 percent of all electrical usage for the entire Project.*	Partially Included. MM 4.16.4.6.1C requires onsite solar for the office portion of the logistics warehouses.
53. Install an ozone destruction catalyst on all air conditioning systems.*	Not Included. Ozone destruction catalysts apply titanium dioxide coatings to air conditioning systems to, in theory, reduce ozone (O ₃) to oxygen (O ₂). This is unnecessary. Ozone is an unstable molecule and is not expected to survive as ozone travels through the HVAC system. In addition, research shows that titanium dioxide is likely to convert abundant ammonia to NO _x , an ozone precursor. http://newsinfo.iu.edu/news/page/normal/24329.html
54. Construct renewable energy sources sufficient to offset the equivalent of 100 percent of all greenhouse gas emissions from mobile sources (internal combustion engines) for the entire Project. *	Not Included. The project would incorporate onsite solar (MM 4.16.4.6.1C). However, it is not feasible to offset the greenhouse gas emissions from offsite mobile sources because the utility does not have the capability to accept the excess solar power generated.
55. Purchase only green/renewable power from the electric company.*	Not Included. The project would have onsite solar pursuant to MM 4.16.4.6.1C. In addition, The City does not currently have an option to purchase green power only thru Moreno Valley Utilities (MVU). This was confirmed by Jeannette Olko, Electric Utility Division Manager City of Moreno Valley, December 11, 2013.
56. Install solar water heating systems to generate all hot water requirements.*	Already Included. Instantaneous or solar water heaters are required as part of MM 4.16.1.6.1B.

* The commenter indicates that these measures would also reduce greenhouse gas emissions.
Source of suggested mitigation measure: Comment F-13-41

Response to Comment F-13-42. The commenter discusses the non-cancer health hazards from diesel PM as well as potential health impacts to schoolchildren at nearby schools.

The non-cancer health effects of diesel PM are discussed from Master Response-2: Health Effects of Diesel Particulate Matter. The commenter mentions two schools, Rancho Verde High School and El Potrero Elementary School, and claims they are 1 mile from the project. In actuality, the Rancho Verde High School is located about 5 miles southwest of the project and the El Potrero Elementary School is located about 3.5 miles southwest of the project at their closest points. The revised analysis (FEIR, Volume 2, Appendix D) examined potential cancer risks at 36 local schools within about 7 miles of the project. In all cases, the project's cancer risks for school exposures typical of

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

schoolchildren were less than the SCAQMD's cancer risk significance threshold. See also Response to Comment E-3-7 and Section 5 of the revised air quality analysis (FEIR, Volume 2, Appendix D).

The commenter also indicates that the Office of Environmental Health Hazard Assessment (OEHHA) recently approved a new methodology for estimating cancer risks that emphasizes added exposure risks to children. The revised analysis referred to in the above paragraph did apply the new methodology approved by the OEHHA that implements weighting factors that reflect the increased sensitivity of school-age children to exposures to diesel PM in estimating cancer risks. In addition, the revised OEHHA methodology was applied to the entire analysis. For additional information, see Response to Comment E-3-7.

Response to Comment F-13-43. The commenter expressed concern about asthma and other health related issues regarding diesel emissions. See Response to Comment Master Response-2 in Letter C-3.

The commenter also asks about truck safety on surrounding roadways. Section 4.8.5.3 Truck Related Hazards, evaluated the potential risks related to project trucks on surround roadways as requested by the commenter.

Response to Comment F-13-44. The commenter claims that the cumulative air quality analysis is deficient. The commenter claims that the DEIR did not consider the cumulative impacts of projects that would be constructed simultaneously. Given the uncertainty in the timing of construction of any project, it is speculative to derive any conclusions as to cumulative construction impacts as such timing depends of market demand, regulatory approvals, etc. While the timing of any specific construction project with relation to the proposed construction of the WLC is speculative, it has been determined that the proposed project has a cumulatively considerable contribution to air quality impacts. DEIR states, "...cumulative impacts associated with short-term air quality impacts would be significant and unavoidable" (page 4.3-83). The DEIR also states, "Implementation of the proposed project would unavoidably contribute to significant long-term cumulative air quality impacts" (page 4.3-87). This would include additional air quality contributions from the construction of related projects.

The commenter also claims that the cumulative projects considered in the cumulative impact analysis are not listed or disclosed. This information was in Exhibit 16 of Appendix D of the DEIR and in Appendix E.2 of Appendix D in the DEIR.

The commenter also claims that cumulative hot spots were not addressed. However, this is incorrect, as stated on page 4.3-47 in the DEIR, carbon monoxide hotspots use "plus project" traffic volumes in the assessment. The 2022 cumulative scenarios in the Traffic Impact Analysis incorporate all known land development projects and all funded roadway projects (revised Traffic Impact Analysis, FEIR Volume 2 Appendix L-1, Section 7).

Cumulative Regional Analysis. As discussed in Appendix D of the DEIR (pages 177-189), the cumulative analysis relies in part upon the regional significance thresholds and compliance with the air quality management plans. Because the project's regional emissions would exceed the SCAQMD's significance thresholds, it was determined that the project would result in a cumulative impact. In addition, because it was determined that the project could conflict with the air quality management plan, the project was also determined to be cumulatively significant. A cumulative list of projects for the regional analysis would not be appropriate because ozone is regional in its nature and therefore, all the projects within the South Coast Air Basin would need to be included, which is not feasible.

Localized Analysis. The localized analysis uses background air quality concentrations from the project area, which include current cumulative air quality air concentrations. As is discussed in the Executive

Summary of the revised air quality analysis (also contained in Master Response-1), concentrations of ozone and particulate matter have been decreasing steadily in both the South Coast Air Basin and in the Inland Empire. The SCAQMD's 2012 Air Quality Management Plan also predicts that emissions are expected to decrease in the future (see Figure 5-8 and Figure 5-9, page 5-13 in the 2012 Air Quality Management Plan, also reprinted in the revised air quality analysis, Exhibit 1 and Exhibit 2). Therefore, the use of existing background concentrations is appropriate, since it is conservative. In addition, the localized analysis uses cumulative traffic volumes from the Traffic Impact Analysis, which incorporate all known land development projects and all funded roadway projects.

Health Risk Assessment. There is no cumulative SCAQMD recommended cancer risk threshold. Therefore, for purposes of this project assessment, it was determined that because project-specific cancer risk was less than significant, that there would also be a less than significant cumulative cancer risk impacts (see page 4.3-87 in the DEIR). In addition, the DEIR discusses the SCAQMD Multiple Air Toxics Exposure Study (MATES)-III, which is just one indicator of the background toxic air contaminant risk in the South Coast Air Basin (pages 4.3-87 through 4.3-88 and Figure 4.3.14 in the DEIR). The FEIR discusses MATES-IV, which is an update to MATES-III.

The commenter also claims that the DEIR fails to consider risks in other higher risk areas (San Bernardino, Long Beach, etc.). As shown in Exhibit 12 and Exhibit 15 of Appendix D of the DEIR, the receptor network for the Health Risk Assessment and the localized analysis extends from near Palm Springs to the ports of Long Beach and Los Angeles and includes many higher risk areas such as Mira Loma, Long Beach, and San Bernardino.

Response to Comment F-13-45. (The nature of large-scale logistics operations (receiving, sorting, storing, tracking, repackaging and shipping of large volumes of product) requires the coordinated efforts of a number of operations to achieve the efficiency and productivity necessitated by modern materials-handling operations. These efforts are structured to be highly responsive to market demands and are structured to function on a 24/7/365 basis. Operation and maintenance of modern material-handling systems requires concurrent 24/7/365 on-site, hands-on, high-tech expertise. This coordination of highly-automated, mechanical systems and skilled personnel is incompatible with the concepts of flexible work-schedules, home-based telecommuting, compressed workweek schedules and satellite work centers which are centered around employees working at remote locations.

Response to Comment F-13-46. In support of the DEIR, project biologists conducted updated biological resource field surveys in 2013 (refer to FEIR Volume, Appendices E-1 through E-4) including focused surveys for burrowing owl and Los Angeles pocket mouse. The updated information was used to prepare the MSHCP Consistency Analysis (FCS-MBA 2013 – FEIR Volume 2, Appendix E-1). This report identifies all potentially significant impacts associated with the development of the WLCSP as well as the off-site project related impacts.

Since the EIR for WLCSP is a program level-document, it will not have the specific level of detail required for a project-level CEQA document. Mitigation measures are generally described at a program level, which is appropriate for this CEQA document. Additional environmental documentation prepared at a project-level of detail will be prepared and used to support permitting with the CDFW.

Response to Comment F-13-47. There are three isolated patches of Riversidean sage scrub within the WLCSP area. The first area is located in the southwestern corner and is located within an open-space area of the WLCSP and will not be impacted. The habitat quality is moderate to high with an average species diversity.

The second area is located in the northern portion of the WLCSP and is located on the east side of Theodore Street in the Metropolitan Water District Land. This area has been relatively undisturbed

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

and contains marginal quality Riversidean sage scrub. The vegetation is sparse with little to know understory.

The third area is located within an abandoned agricultural basin along Gilman Springs Road in the eastern portion of the WLCSP, just north of Alessandro Boulevard.

Response to Comment F-13-48. The DEIR (see FEIR Volume 2) has been revised. Stephen's kangaroo rat (SKR) is a covered species under the Western Riverside County MSHCP.

Response to Comment F-13-49. See Response to Comment F-1-39.

Response to Comment F-13-50. See Response to Comment A-1-1 which includes modifications to MM 4.4.6.3A regarding riparian resources.

Response to Comment F-13-51. According to available research, a 250-foot “clear” setback (i.e., no human activity or improvements) appears to be adequate for a buffer area relative to noise and lighting impacts. This buffer shall be enhanced by an additional setback of buildings, and by the presence of the CDFW Conservation Buffer Area, which was originally purchased to provide a buffer between Mystic Lake and development in Moreno Valley. A minimum 250-foot setback is supported by a compilation of available academic and scientific literature and studies on wildlife impacts from diesel emissions, and the distance established in nesting bird surveys for setbacks from human activity. An additional 150-foot building setback will help provide an additional buffer from building lighting and noise.

A total setback of 400 feet within the WLCSP for any permanent buildings shall be enforced on the southern boundary of the WLCSP. This setback shall provide an additional buffer from building lighting, noise, and air quality concerns. The 400-foot distance to buildings from the boundaries of the Specific Plan will effectively mitigate potential direct and indirect impacts on the SJWA and Criteria Cells to indirect noise, light and air quality impacts associated with both the construction and operation of the facilities.

Response to Comment F-13-52. See Responses to Comments G-64-23, G-64-64, and F-7A-25 which includes a new MM 4.4.6.4C.

Response to Comment F-13-53. See Response to Comment F-7A-9.

Response to Comment F-13-54. The proposed 250-foot buffer area will incorporate many types of land-use options. The buffer area is approximately 70-acres; nearly half of the area will be used for detention basins with spreading structures and the creation of riparian habitat. While the buffer area will include some limited access drives, the detention basins and landscaping will separate the primary project area from the more sensitive habitat areas to the south. The vegetation and landscaping berms will help screen the adjacent habitat from lighting, attenuate noise, and assist in dropping out air-borne pollutants. Based on the most recent focused protocol level surveys, sensitive plant and Los Angeles pocket mouse (LAPM) are considered absent from the project site and will not require relocation (FCS-MBA 2013-FEIR Volume 2 Appendix E-1).

Response to Comment F-13-55. Project-related impacts resulting in quantifiable direct impacts to biological resources not currently covered under the MSHCP would be addressed subsequently through analysis at a lower tier, project-specific level of environmental review. However, conservation of lands purchased with MSHCP Development Fees for the long-term conservation of sensitive species covered under the MSHCP, will also provide similar conservation for plant and wildlife species not covered under the MSHCP. For instance, lands purchased in a Core Conservation Area that contains coastal sage scrub and/or chaparral will provide suitable habitat for Parry's spineflower, which is a covered species under the MSHCP. It will also provide habitat for Robinson's pepper

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

grass, which is not covered under the MSHCP. MM 4.4.6.1B, as listed in the DEIR, will reduce the project related impacts to a level less than significant. As a result, the contribution of impacts associated with project within the WLCSP, are fully mitigated and will not contribute to cumulative impacts within the region.

Response to Comment F-13-56. See Response to Comment F-13-54.

Response to Comment F-13-57. See Response to Comment A-1-1.

Response to Comment F-13-58. Jurisdictional features will be avoided and unavoidable impacts will be mitigated through the construction of compensatory wetland. Compensatory wetland mitigation will be provided at an appropriate ratio (no less than 1:1 replacement wetland to impacted wetland) to ensure no net loss of wetlands or aquatic resources. Wetland mitigation will be provided concurrent with or prior to impacts and will be provided on-site, if feasible. Significant impacts to jurisdictional drainage features may also be compensated by off-site mitigation or purchase of habitat in an authorized in-lieu fee program, if necessary. For each individual project as it is designed, a Compensatory Mitigation Plan will be prepared for all unavoidable impacts and will be consistent with the USACE/USEPA's Compensatory Mitigation for Losses of Aquatic Resources; Final Rule and the USACE's Standard Operating Procedure for Determination of Mitigation Ratios as discussed in MM 4.4.6.3A.

Response to Comment F-13-59. The commenter requested updated surveys and habitat preservation onsite. Protocol surveys for LAPM were conducted in 2005, 2010, and 2013 within suitable habitat of the WLCSP. In all the years of conducting surveys on the WLCSP, no LAPM have ever been observed within the WLCSP. This shows sufficient evidence that the WLCSP does not provide sufficient habitat to support LAPM, nor is it likely to provide suitable habitat in the foreseeable future. Since there has been no recorded occurrences of LAPM in the northern portion of the SJWA, then the relocation of any individuals to the 250-foot buffer area will not affect LAPM in the northern portion of the SJWA, and a comprehensive strategy is not necessary. A comprehensive strategy would be appropriate if several LAPM were consistently observed within the WLCSP during the previous LAPM surveys. However, based on MSHCP guidelines, each project within the WLCSP will still be required to complete protocol-level surveys for LAPM if they contain suitable habitat and based on the findings, will develop a strategy to handle LAPM issues on a project-level basis. If LAPM was observed within the project site, 90% of the suitable habitat within the WLCSP will be required for conservation until the conservation goals for this species has been met. If more than 90 percent of the suitable habitat onsite cannot be avoided, a Determination of a Biologically Equivalent or Superior Preservation (DBESP) will be required for impacts to LAPM. The DBESP will include all mitigation measures required to provide biologically equivalent or superior preservation of the species.

Response to Comment F-13-60. The commenter questions the feasibility of MM 4.4.6.4F. This mitigation measure, in concert with MMs 4.4.6.4G and 4.4.6.4H shown below, do contain a number of performance standards that will aid in their implementation and protect sensitive species within the 250-foot buffer area.

4.4.6.4F Prior to approval of any discretionary permits for development ~~along the southern border of the WLCSP within Planning Areas 10 and 12,~~ a Biological Resource Management Plan (BRMP) shall be prepared to prescribe how the 250-foot “safe zone” ~~setback area~~ outlined in Mitigation Measure 4.4.6.1A will be ~~managed/developed~~ and maintained ~~to provide a buffer and resources for wildlife of the adjacent SJWA.~~ This plan will identify frequent and infrequent vegetation management requirements (i.e., removal of invasive plants) and the planting and maintaining trees along both the north and south sides of the detention basins to

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

provide roosting and nesting opportunities for raptors and other birds. ~~The BRMP~~The Biological Resource Management Plan will also describe how relocation of listed or sensitive species will occur from other locations as outlined in Mitigation Measures 4.4.6.2A, 4.4.6.4D, and 4.4.6.4E.

~~Preparation and implementation of the BRMP~~The Biological Resource Management Plan shall be ~~to reviewed and approved by the satisfaction of the City Planning Division Official~~ in consultation with the ~~SJWA~~ San Jacinto Wildlife Area Manager. ~~The BRMP~~The Biological Resource Management Plan shall cover all the land within the 250-foot setback zone ~~along the entire southern boundary of the WLCSP~~within Planning Areas 10 and 12. Implementation of the plan shall be supervised by ~~the Riverside Land Conservancy or a qualified conservation organization or biologist~~, to the satisfaction of the City Planning Division.

4.4.6.4G Mitigation Measure 4.4.6.1A specifies that a landscape plan shall be submitted with any development proposal for lots adjacent to the ~~CDFW~~California Department of Fish and Wildlife (CDFW) San Jacinto Wildlife Area (SJWA) property prior to issuance of a precise grading permit. The landscape plan shall be prepared by a licensed landscape architect in consultation with a qualified biologist and shall be consistent with the design standards contained in the Specific Plan. No plant species listed in Section 6.1.4 or Table 6.2 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) shall be installed within the setback area. In conjunction with development adjacent to the ~~CDFW Conservation Buffer Area~~ San Jacinto Wildlife Area (SJWA), cottonwood trees shall be planted within along the southern boundary of the 250-foot “clear” setback zone area, consistent with the WLCSP landscaping plan and World Logistics Center Specific Plan plant palette (per DBESP MM 8).

During construction, the runoff leaving construction areas will be directed to onsite detention basins and away from downstream drainage features located offsite. All projects within the WLCSP will be required to prepare a Storm Water Pollution Prevention Plan (as outlined in MM 4.9.6.2B). Regarding the 250-foot setback area, pedestrian and vehicular access to areas of riparian/riverine habitat will be prohibited except for controlled maintenance access. Finally, no grading shall be permitted within conserved riparian/riverine habitat areas except for grading necessary to established or enhance habitat areas (DBESP MM 6, 7, 9, and 10).

4.4.6.4H As outlined in Mitigation Measure 4.4.6.1A, development adjacent to the 250-foot open space setback shall have a six-foot chain link fence or similar barrier to help separate human activity and the buffer area. Any chain link fencing installed on any properties adjacent to the 250-foot buffer area shall have metal mesh installed below and above ground level to prevent animals from accessing new development areas.

Response to Comment F-13-61. The commenter suggests that nine prehistoric of 45 total cultural resources in the project site were tested for significance. It is argued that because testing by Michael Brandman and Associates (MBA) was of limited scope, the research was inadequate and therefore the EIR must be recirculated. There are actually 64 sites in and near the project area and this count will be updated in both the cultural resource assessment and the FEIR Volume 2, Appendix F. Of these, 12 cultural resource sites were evaluated for significance following CEQA Guidelines Section 15064.5 during the analysis. None of the 52 other sites named in the cultural resource assessment will be directly impacted by construction within the WLCSP or off-site infrastructure extensions and therefore no further work on testing for significance was needed or warranted.

In 2006, project archaeologists tested nine prehistoric archaeological sites for significance: CA-RIV-610, CA-RIV-860, CA-RIV-3238, CA-RIV-3343, CA-RIV-3344, CA-RIV-3345, CA-RIV-3346, CA-RIV-8006 and CA-RIV-8007 following CEQA Guidelines Section 15064.5. Each of the prehistoric sites

were placed into Open Space as part of the Specific Plan to comply with avoidance of prehistoric sites as a part of mitigation strategy. Two historic archaeological sites, CA-RIV-4201H and CA-RIV-4210H, were tested by MBA in 2012. These sites were also found to be not significant following CEQA Guidelines Section 15064.5. One decomposing historic structure, CA-RIV-5856, was examined during the 2012 survey and was similarly found not significant. In sum, all known cultural resources that will be directly impacted during construction are considered not significant; therefore, the findings in the EIR are adequate for the purposes of CEQA.

The MBA cultural resource survey that identified cultural resources in the Specific Plan was undertaken following a State Historic Preservation Office (SHPO)-recommended methodology known as the Archaeological Resource Management Report (ARMR) format. This survey was not limited nor vague. The survey fieldwork was undertaken over a period of years as project parcels were available for access. Off-site parcels and parcels in the Specific Plan that are not. Because the EIR accounts for all known cultural resources exposed to view in those parcels under direct control of the proponent, and because the mitigation measures in the EIR account for unknown cultural resources that could be impacted during earthmoving, the mitigation measures are neither vague nor inherently deficient.

Response to Comment F-13-62. The comment suggests that EIR MM 4.5.6.1A provides no option for avoiding significant archaeological or cultural resources. MM 4.5.6.1A is associated with potential impacts to cultural resources in the “Light Logistics parcels.” The measure has been modified to include consultation with interested parties prior to final disposition of any newly discovered site that is considered significant. The revised mitigation measure can be found in its entirety in Response to Comment A-3-23.

Response to Comment F-13-63. The comment suggests that EIR MM 4.5.6.1B should contain the caveats of avoidance as the preferred option. MM 4.5.6.1 has been modified to state that, when construction occurs in a parcel deemed part of the “off-site improvements”, the project archaeologist shall amongst other considerations:

“...action shall be taken to include but not be limited to: (a) planning construction to avoid archeological sites (preferred option); (b) capping or covering archeological sites with a layer of soil before building on the affected site...”

The original measure does take into account avoidance, but the revised measure has been modified slightly as a result of this comment to indicate the status of the preferred option. The revised mitigation measure can be found in its entirety in Response to Comment A-3-23.

Response to Comment F-13-64. The comment suggests that EIR MM 4.5.6.1C is vague and uncertain such that this particular mitigation measure is therefore inadequate. The comment also asks that EIR MM 4.5.6.1C(5) be changed such that avoidance of resources uncovered during grading is the preferred option and that excavation and curation is the not preferred option. If curation is required, the resources should be curated in a museum that has agreed to take the resources.

With regard to the comment that MM 4.5.6.1C(5) should be changed such that avoidance is preferred and that data collection/curation are not, CEQA Guidelines 15064.5(f) clearly delineates what the Lead Agency (City) must do when inadvertent archaeological finds are encountered during earthmoving. Under the Guidelines, if such resources are determined not significant by the Lead Agency through the work effort of the project Archaeologist, avoidance need not be the preferred option. If the resources are instead determined significant, the Lead Agency may determine that the resource cannot be avoided due to construction parameters, and excavation/curation would therefore be the only alternative possible. MM 4.5.6.1C(5) has been modified slightly to reflect our clarified

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

reasoning. The revised mitigation measure can be found in its entirety in Response to Comment A-3-23.

Response to Comment F-13-65. The commenter suggests that future paleontological assessments in off-site areas should be considered deferred mitigation and that such assessment(s) should have taken place before the mitigation measure was written.

The project research showed that there are two types of sediment/rock on the modern ground surface: Holocene Alluvium and Granite bedrock. Off-site areas were not assessed but most of them appear to contain the same soil and rock strata except northeast of the Specific Plan in the foothills of The Badlands.

Research performed for this project, and elsewhere in southern California, suggests that neither sediment/rock type has potential to bear fossils, therefore, where Holocene Alluvium and Granite bedrock exist there is “low” potential for future project-related impacts to significant fossil deposits. Pleistocene Alluvium does have potential for bearing significant fossils but, in this part of southern California, Pleistocene Alluvium occurs at varied depth (including extreme depth) and preservation of fossils within it depends on the lithology of the strata. Some of the Pleistocene sediment may be too coarse to bear fossils, whereas other sediments have good potential but upon visual inspection of cuts will appear sterile. Therefore, once project-related excavations begin, a qualified paleontologist can decide whether or not the exposed strata has a “medium” or “high” chance to bear fossils and paleontological monitoring would then proceed accordingly.

The analysis correctly examines the project area and the study allowed the development of a mitigation measure that allows the project Paleontologist to formulate an appropriate response when and if buried paleontological resources are uncovered during construction. The measure provides performance standards if and when paleontological resources are found during construction.

Response to Comment F-13-66. The comment suggests that the cumulative impacts analysis lacks comparative analysis. California Environmental Quality Act (CEQA) Guidelines Section 15130 require an analysis of cumulative impacts on the basis of either 1) past, present, and probable future projects, which are either approved or being considered for approval by the City or other municipalities (or anticipated to be submitted for consideration, including projects in the design phase or under construction); or 2) growth projections set forth in regional plans, including regional modeling plans. This statement is found in Section 2.0 page 2-22 of the WLC EIR. The growth projections method was used for the cumulative analysis.

The EIR concluded that since no known significant cultural resources will be directly impacted by construction, and all known prehistoric archaeological resources have been included in the Open Space designation within the Specific Plan, there will be no cumulative impacts to cultural resources as a result of this project.

In addition, the EIR has proposed measures that can adequately allow for proper mitigation during construction of the project. The EIR has therefore adequately analyzed the cumulative impacts following CEQA guidelines. It is acknowledged that the loss of cultural resources could have a cumulative effect by potentially reducing the scientific knowledge that can be obtained by the recordation and investigation of archaeological resources; however, since no significant resources will be impacted by the project, there are no cumulative effects.

Response to Comment F-13-67. The Soils Report references a detailed fault study completed in the area of the project where the City’s Seismic Hazard Zone for the postulated Casa Loma segment was projected into the project. Leighton’s detailed study (Leighton, 2013, FEIR Volume 2 Appendix G) concluded that active faulting did not exist in this location; however, the results of localized co-seismic deformation were observed. The Soils Report recommended appropriate mitigation measures for

such hazard, which included removal and compaction of surface soils to support proposed structures. For planning purposes, this over-excavation can be on the order of 5 to 10 feet below planned footing elevations. The actual extent of such mitigation measures will require preliminary design information such as proposed structure location, design grading plans to determine the depth of cut or fill underlying proposed structure, foundations loads as well as settlement tolerances of the structure. With those design criteria, a building specific mitigation approach can be easily provided.

Response to Comment F-13-68. The Soils Report (FEIR Volume 2 Appendix G) and DEIR clearly indicate that the site is considered suitable for the proposed development. The content of Soils Report content is typical of such EIR level studies and in the absence of design level site development plans, including building loads and locations. Preparation of additional studies or addendum reports will be required to further define and verify the extent of corrective measures needed for individual buildings. However, the overall constraints and mitigation measures have been defined in the Soils Report and a future geotechnical study will only be needed to verify the extent of remedial grading or structural setbacks from existing faults, based on those building locations and design requirements.

Response to Comment F-13-69. The recommendations of the Soils Report and any further geotechnical recommendations should be implemented during planning and construction phases of development.

Response to Comment F-13-70. The commenter indicates that the project would emit an exorbitant quantity of greenhouse gas emissions. The DEIR estimated that the project would emit approximately 721,000 MTCO₂e/year after buildout. The revised analysis has refined the greenhouse gas emissions estimate and now emissions have decreased by 47 percent (see Master Response-1 for details on a comparison of emissions as estimated in the DEIR and FEIR).

Response to Comment F-13-71. The commenter claims that greenhouse gas mitigation is insufficient and only requires waste mitigation measures. However, as discussed in FEIR Section 4.7, the waste mitigation measure (MM 4.7.6.1A) is the only one that is needed. Although the following mitigation measures are not required to reduce greenhouse gas impacts to less than significant levels, they would also reduce greenhouse gas emissions: MMs 4.3.6.3B, 4.3.6.3C, 4.3.6.3D, 4.3.6.4A, 4.16.1.6.1A, 4.16.1.6.1B, 4.16.1.6.1C, 4.16.4.6.1A, 4.16.4.6.1B, and 4.16.4.6.1C.

Response to Comment F-13-72. The commenter claims that the EIR fails to evaluate the project's consistency with the ARB Scoping Plan.

Page 4.7-38 of the DEIR states, "the strategies are either consistent with or not applicable to the project; therefore, the project does not conflict with the Scoping Plan." **Response to Comment F-13-73.** The commenter indicates that the uncertainty the EIR finds regarding climate change and the impact from international shipping is downplaying the project's effects.

Refer to the discussion on page 4.7-43 of the DEIR that classifies international shipping emissions as speculative.

Response to Comment F-13-74. The commenter states the many trucks onsite should be considered a project and cumulative hazard. Section 4.8 of the DEIR did examine a variety of potential hazards related to the proposed WLC project, including accidents involving trucks on the local freeways and roadways. However, truck safety, which would include fuel fires, explosions, etc. involving an individual truck are typically the purview of the California Highway Patrol (CHP) when trucks are on state routes, the county sheriff or fire department when trucks are on County roads, or the local police and fire departments when those trucks are on City streets. While each warehouse will have dozens of trucks in and around its loading areas at any given time, there is no evidence to

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

suggest they will be collected together in one place or in large enough numbers to constitute a significant public hazard.

However, to be thorough, the revised DEIR contains a statement in the cumulative analysis of hazardous materials (FEIR Volume 2 Section 4.8.7) that the substantial increase in trucks in and around the WLC site would incrementally increase the risks of accidents involving truck-related fuels (e.g., fire or explosion).

Response to Comment F-13-75. A Water Quality Monitoring Plan for the SJWA will be prepared, which will contain specific performance standards to ensure that runoff does not impact the SJWA.

Consistent with the comments provided by Letter F-13 (Sierra Club and Residents for a Livable Moreno Valley), the text in DEIR Section 4.9.6.3, Page 4.9-42 is amended to include more specific performance requirements to MM 4.9.6.3C. The modified mitigation measure resulting from the comment is not considerable, and is considered to be a minor refinement of the existing measure. The change to the DEIR does not result in a significant impact and has no material effect on the findings of the EIR. The revisions to the text of the DEIR are as follows:

4.9.6.3A Prior to ~~issuance of any grading or building permits~~ discretionary permit approval for individual plot plans a site-specific Water Quality Management Plan (WQMP) shall be submitted to the City Land Development Division for review and approval. The Water Quality Management Plan shall specifically identify site design, source control, and treatment control Best Management Practices that shall be used on site to control pollutant runoff and to reduce impacts to water quality to the maximum extent practicable. The Water Quality Management Plan shall be consistent with the Water Quality Management Plan approved for the overall World Logistics Center Specific Plan project. At a minimum, the site developer shall implement the following site design, source control, and treatment control Best Management Practices as appropriate:

Site Design Best Management Practices

- (a) Minimize urban runoff.
- (b) Maximize the permeable area.
- (c) Incorporate landscaped buffer areas between sidewalks and streets.
- (d) Maximize canopy interception and water conservation by planting native or drought-tolerant trees and large shrubs.
- (e) Use natural drainage systems.
- (f) Where soil conditions are suitable, use perforated pipe or gravel filtration pits for low flow infiltration.
- (g) Construct on-site ponding areas or retention facilities to increase opportunities for infiltration consistent with vector control objectives.
- (h) Minimize impervious footprint.
- ~~(i) Maximize the permeable area.~~
- (j) Construct streets, sidewalks and parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised.
- (k) Reduce widths of street where off-street parking is available.
- (l) Minimize the use of impervious surfaces such as decorative concrete, in the landscape design.
- (m) Conserve natural areas.
- ~~(n) Maximize canopy interception and water conservation by planting native or drought tolerant trees and large shrubs.~~
- ~~(o) Use natural drainage systems.~~

- (p) Minimize Directly Connected Impervious Areas (DCIAs).
- (q) Runoff from impervious areas will sheet flow or be directed to treatment control Best Management Practices.
- (r) Streets, sidewalks, and parking lots will sheet flow to landscaping/ areas that are planted with native or drought tolerant trees and large shrubs.

Source Control Best Management Practices

Source control Best Management Practices are implemented to eliminate the presence of pollutants through prevention. Such measures can be both non-structural and structural.

Non-structural source control Best Management Practices include:

- (a) Education for property owners, operator, tenants, occupants, or employees;
- (b) Activity restrictions;
- (c) Irrigation system and landscape maintenance;
- (d) Common area litter control;
- (e) Street sweeping private streets and parking lots; and
- (f) Drainage facility inspection and maintenance.

Structural source control Best Management Practices include:

- (g) MS4 stenciling and signage;
- (h) Landscape and irrigation system design;
- (i) Protect slopes and channels; and
- (j) Properly design fueling areas, trash storage areas, loading docks, and outdoor material storage areas.

Treatment Control Best Management Practices

Treatment control Best Management Practices supplement the pollution prevention and source control measures by treating the water to remove pollutants before it is released from the project site. The treatment control Best Management Practice strategy for the project is to select Low Impact Development (LID) Best Management Practices that promote infiltration and evapotranspiration, including the construction of infiltration basins, bioretention facilities, and extended detention basins. Where infiltration Best Management Practices are not appropriate, bioretention and/or biotreatment Best Management Practices (including extended detention basins, bioswales, and constructed wetlands) that provide opportunity for evapotranspiration and incidental infiltration may be utilized. Harvest and Reuse Best Management Practices (i.e., storage pods) may be used as a treatment control Best Management Practice will be used to store runoff for later non-potable uses.

Site-specific Water Quality Management Plans have not been prepared at this time as no site-specific development project has been submitted to the City for approval. When specific projects within the project are developed, Best Management Practices will be implemented consistent with the goals contained in the ~~m~~-Master Water Quality Management Plan. All development within the project will be required to incorporate on-site water quality features to meet or exceed the approved Master Water Quality Management Plan's water quality requirements identified previously.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-13-76. The commenter states a new General Plan must be adopted if such a fundamental land use change is approved for the WLC property. The City disagrees, but acknowledges that such a large change in planned land uses should be carefully considered by the City Council prior to making a decision on the proposed WLC property. Since the City Council is the highest elected body in the City, it is appropriate for them to make the determination if the proposed project is consistent with the General Plan, and if it is not, to determine if the proposed General Plan Amendment is in keeping with the overall development principals established by the City Council in the current General Plan.

Response to Comment F-13-77. Vibration impacts due to construction are minimal except for pile driving (see “Transportation and Construction Induced Vibration Guidance Manual,” Californian Department of Transportation, June 2004). No pile driving is planned for this project.

Response to Comment F-13-78. Similar to the Highland Fairview Corporate Park, construction of warehousing buildings within the Specific Plan can occur on a 24 hour-a-day, 7 day-a-week basis. However, any specific construction equipment will not be running for more than 10 hours per day, pursuant to mitigation. This is necessitated by the extensive use of poured concrete in the construction of building sites and the logistics buildings themselves. Major concrete pours are most efficiently and economically done in the cooler night and early morning hours. Additionally, the large number of concrete delivery trucks necessary for this construction has a minimal traffic impact in the nighttime hours. Additionally, some construction may be needed on a 24/7 basis to avoid delays for the construction of portions of the project. Therefore, a complete ban on 24/7 construction is infeasible. However, the following changes were made to MM 4.12.6.1D to better address construction noise impacts for onsite rural residences:

~~**4.12.6.1D** All discretionary approvals for development in the WLCSP shall include conditions of approval stating that no nighttime grading shall occur within 2,800 feet of residences south of SR-60 (between 8 p.m. and 6 a.m. on weekends and 8 p.m. and 7 a.m. on weekends or holidays). These restrictions shall be included as part of the Noise Reduction Compliance Plan. As an alternative to this requirement, a temporary construction sound barrier may be used in lieu of the construction buffer, per Mitigation Measure 4.12.6.1E.~~

4.12.6.1D No grading shall occur within 2,800 feet of residences south of State Route-60 between 8 p.m. and 6 a.m. on weekdays and between 8 p.m. and 7 a.m. on weekends. These restrictions shall be included as part of the Noise Reduction Compliance Plan per Mitigation Measure 4.12.6.1A (per Noise Study MM N-2, pg. 51)

See also Response F-13-79 below for examples of equipment noise limitations.

Response to Comment F-13-79. The City's construction noise limit is based on the Leq scale which is an averaging noise scale. The highest construction noise levels will be generated by heavy construction equipment; for example, graders, scrapers, front loaders and tractors. These equipment could operate anywhere on-site during construction. However, it is highly unlikely that a grader or some other high noise generator will be parked for an hour within 50 feet of a residence. Therefore, construction noise generation consistently within 50 feet of a residence is highly unlikely.

Response to Comment F-13-80. The commentator states that “a lesser increase is likely more significant at a lower levels as more noticeable.” This comment is not supported by any evidence and is contrary to standards adopted by for example the Federal Transit Authority (FTA). At lower noise levels there is minimal speech interference, sleep disturbance, and other activity interference. If the noise level goes up slightly in a low noise environment these activities still are not interfered. However, if the noise level goes up in a high noise environment, then activity interference will go up substantially. Therefore, the comment is inconsistent with adopted standards and with our

understanding of noise impacts. The commenter also states that the *“threshold is only wrongly applied to only traffic noise not stationary noise.”* This referenced threshold is not applied to stationary noise because the City has a noise standard that applies directly to stationary noise and is more appropriate for determining impacts.

Response to Comment F-13-81. The statement is incorrect; not all exceedances can be mitigated and therefore, the technical noise report (DEIR Appendix K, page 63) concludes that there will be significant impacts.

Response to Comment F-13-82. The traffic analysis, which the noise assessment is based, includes future planned projects. The cumulative noise impacts are presented in Section 2.3.2 of the technical noise report (Appendix K of the DEIR).

Response to Comment F-13-83. When MM 4.12.6.1A is combined with the other measures significant mitigation of construction noise will be achieved. Setbacks, temporary noise barriers, and other features are required for the control of construction noise. However, even with the mitigation measures, significant construction noise impacts may occur (DEIR Appendix K, page 63 of the technical noise report).

Response to Comment F-13-84. The commenter is correct; the first “weekends” should read “weekdays” for MM 4.12.6.1.D. The mitigation measure has been revised as follows:

~~**4.12.6.1D** — All discretionary approvals for development in the WLCSP shall include conditions of approval stating that no nighttime grading shall occur within 2,800 feet of residences south of SR-60 (between 8 p.m. and 6 a.m. on weekends and 8 p.m. and 7 a.m. on weekends or holidays). These restrictions shall be included as part of the Noise Reduction Compliance Plan. As an alternative to this requirement, a temporary construction sound barrier may be used in lieu of the construction buffer, per Mitigation Measure 4.12.6.1E.~~

4.12.6.1D No grading shall occur within 2,800 feet of residences south of State Route-60 between 8 p.m. and 6 a.m. on weekdays and between 8 p.m. and 7 a.m. on weekends. These restrictions shall be included as part of the Noise Reduction Compliance Plan per Mitigation Measure 4.12.6.1A (per Noise Study MM N-2, pg. 51).

Response to Comment F-13-85. The commenter is correct; two alternatives for mitigation are provided (see pages 49 and 50 of the technical noise report DEIR Appendix K). The alternatives provide more flexibility to the developer for mitigating construction noise and could result in better mitigation for the potentially impacted residents.

Response to Comment F-13-86. The measure proposed by the commenter would mitigate construction noise even more than required by the City’s Noise Ordinance and therefore, is not necessary.

Response to Comment F-13-87. Please refer to Response to Comment F-13-86.

Response to Comment F-13-88. The suggested mitigation measures contained in the comment either address issues that have been shown not to be an impact or are requiring mitigation above and beyond what is required by the Noise Ordinance. A quick comment on each of the suggested measures follows.

- (1) **Temporary Noise Barriers** – these are covered by MMs 4.12.6.1E and 4.12.6.1J.
- (2) **Use all electrical equipment** – this is covered by MM 4.3.6.2A in air quality.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- (3) **3-minute idling** – MM 4.3.6.2A limits idling to 3 minutes under air quality which is adequate.
- (4) **Provide “windows closed” conditions with mechanical ventilation** – The project noise report does not indicate residences along Merwin or other adjacent streets will have interior noise levels in excess of City standards (in addition, the Specific Plan does not allow warehouse buildings within 250 feet of existing residences).
- (5) **Upgraded windows for buildings within 250 feet and along major access** roadways - the Specific Plan does not allow warehouse buildings within 250 feet of existing residences, and MM 4.12.6.2A addresses residences along major project traffic routes.
- (6) **Keep roads away from “vibration sensitive areas”** – the commenter does not specify what these areas are but the project noise assessment evaluated all project-related noise impacts including vibration and recommended appropriate mitigation (MMs 4.12.6.2A – 4.12.6.2B).
- (7) **Resurfacing existing roads to reduce vibration** – the commenter did not specify what roads but project roads but once the streets are constructed by the developer they become public streets and are turned over to the City and the streets will be incorporated into the City’s street maintenance program.
- (8) **Rubberized asphalt** – the project noise report evaluated this potential mitigation and determined it would not provide sufficient or feasible mitigation over the long-term (FEIR, Volume 2, Appendix K, page 58).
- (9) **Maintain pavement quality with repairs upon notice** –Once the streets are constructed by the developer they become public streets and are turned over to the City and the streets will be incorporated into the City’s street maintenance program. Pavement both on and offsite will be maintained according to City standards and schedules for public streets. Project trucks will mainly utilize Theodore and the freeways, so there is no identified need to require a higher level of maintenance on area roadways than is currently provided throughout the rest of the City.
- (10) **Require resurfacing of roads** – the commenter does not say what roads but pavement both on and offsite will be maintained according to City standards and schedules for public streets. Project trucks will mainly utilize Theodore and the freeways, so there is no identified need to require a higher level of maintenance on area roadways than is currently provided throughout the rest of the City.
- (11) **Ban heavy trucks near noise sensitive uses** – project trucks will be restricted to established truck routes within the City, and most project trucks will mainly utilize Theodore and the freeways, and there is no evidence that project trucks would significantly impact noise sensitive uses (unless the commenter is referring to residential uses which are fully evaluated and mitigated to the extent feasible in the DEIR).
- (12) **Alternative equipment to reduce vibration** – the project noise assessment does examine noise and vibration impacts related to anticipated construction equipment and recommends appropriate mitigation. The DEIR Section 4.12.5.1 analyzed vibration and found it to be less than significant. CEQA requires mitigation to reduce impacts to less than significant levels, and the mitigation recommended in the project noise report and the DEIR section on noise does reduce construction-related noise to less than significant levels, so there is no requirement to implement “all feasible mitigation” in this regard. In any case, the construction activities mentioned by the commenter will not occur within 250 feet of any existing residence beyond the boundaries of the project site, so additional mitigation is unnecessary.
- (13) **Schedule construction to not conflict with “vibration sensitive operations”** – The DEIR Section 4.9.5.1 analyzed vibration and found it to be less than significant. However mitigation recommended in the project noise report and the DEIR section on noise does reduce construction-related noise to less than significant levels during construction. Refer to MMs 4.12.6.1A - 4.12.6.1J in Section 4.12.6.1 of the DEIR.

Response to Comment F-13-89. The commenter states their opinion that that the 2003 Truck Trip Generation Study prepared for the City of Fontana is not an adequate source of truck traffic information as truck traffic represents a much larger portion of WLC's traffic than is assumed in the Fontana study. The commenter states the TIA assumed that most WLC employees will be local and that half of the worker trips will occur on arterial streets and not freeways, and that this understates impacts.

The comment appears to be confusing inputs with outputs. The 2003 City of Fontana *Truck Trip Generation Study* was a traffic count survey taken to determine the truck trip generation characteristics of warehouses. So the truck trip characteristics reported in the study are survey results (i.e. outputs), not assumptions (inputs). The City of Moreno Valley has determined that this is the best available source of truck trip percentages for warehouses and has mandated it use in the City's *Traffic Analysis Guidelines*. Use of the Fontana vehicle mix percentages in the WLC study is therefore in accordance with City policy.

Regarding the residential location of WLC workers and the routes they take to work, the comment is again confusing inputs with outputs. The TIA study team input the WLC's proposed land uses into the Riverside County Traffic Analysis Model (RivTAM) model, the model then matched warehouse jobs with the residential locations of potential workers and, using survey data on commute trip behavior, produced a forecast of commute trips for the project. So the predicted locations of WLC workers and their likely routes to work were outputs from RivTAM, not assumptions imposed by the analysts. Given that the WLC project would be located in an area with an abundant labor force of potential workers whose skill sets match the demands of the logistics industry, the forecast distribution of commute trips from the RivTAM model is considered reasonable.

Response to Comment F-13-90. The commenter claims that the DEIR improperly relies upon the preparation of future traffic studies for individual development projects within the WLC. The commenter must remember that this DEIR is a programmatic document, and that future specific development requires that a subsequent traffic study be prepared for that specific development to identify the specific timing of improvements to support that proposed development. These subsequent traffic studies must be consistent with and tier off of the "master" TIA" prepared for the overall WLC project as part of this EIR.

Response to Comment F-13-91. See Response to Comment F-13-90.

Response to Comment F-13-92. The commenter claims that the project's mitigation plan relies on Transportation Uniform Mitigation Fee (TUMF) and Development Impact Fee (DIF) but does not identify which improvements are subject to the funding programs. The comment also claims a lack of evidence that payment of the fees is tied to actual implementation of the mitigation measures. For improvements not covered by TUMF or DIF, the commenter acknowledges that fair-share payments can be appropriate mitigation, but says that there is no evidence that other fair-share programs exist (besides TUMF and DIF). The commenter further cites a lack of evidence that the multi-jurisdictional efforts called for in the TIA will be pursued, and states that while fair-share fees can be adequate mitigation for cumulative impacts the applicant must be responsible for the implementation of any measures relative to direct impacts.

The TIA does identify which improvements are subject to TUMF and DIF. For example Table 80 in the TIA (now Table 76 in the TIA, FEIR Volume 2, Appendix L-1) entitled "Cumulative Intersection Impacts and Mitigations includes columns labeled "TUMF Facility?" and "DIF Facility?" with corresponding "yes" or "no" entries identifying which improvements are in the TUMF program and which improvements are in the DIF program. This information is also provided in the text descriptions of the mitigation measures.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The claim that there is a lack of evidence that the TUMF and DIF improvements will be implemented is also incorrect. As explained in Chapter 11, Section A of the TIA, since its inception TUMF has collected more than \$554 million in revenues, making it the largest multi-jurisdictional fee program in the nation. It has completed 54 projects in just nine years with several dozen more under development. The projects successfully funded by the program include a variety of road widening, intersection improvements, and freeway interchanges, including:

- Widening Pigeon Pass Road from 2 lanes to 4 lanes from Climbing Rose Dr. to Hidden Springs Dr.
- Widening the Ramona Expressway from 2 lanes to 6 lanes from I-215 to Evans Road
- Improvements to the Ironwood Ave./Moreno Beach Dr. Intersection
- Improvements to the Ironwood Ave./Nason Street intersection
- Adding a northbound lane to Lasselle Street from John F Kennedy Dr. to Alessandro Blvd.
- Widening Oleander Avenue from Perris Blvd to Indian Avenue
- The Van Buren Blvd./SR-91 Interchange project
- Widening State Street in Hemet from 2 to 4 lanes with a center turn lane
- Widening Sanderson Avenue from Menlo to Ramona Expressway

This track record of success is evidence that TUMF projects are very likely to be implemented. Between now and 2035, when the program is scheduled for completion, the TUMF Program is forecast to provide \$4.2 billion in arterial road, bridge, intersection and interchange improvements in Western Riverside County. The DIF program has a similar track record of successful implementation. Examples of projects successfully completed using DIF funds include:

- Iris Avenue from Indian Street to Perris Boulevard
- Lasselle Street/Bay Avenue traffic signal
- Lasselle Street/Cottonwood Avenue traffic signal
- Cactus Avenue eastbound improvements from I-215 to Veterans Way

This track record of success is evidence that DIF projects are very likely to be implemented. The DIF program supplements the TUMF program by funding elements of the City's General Plan Circulation Element not covered by TUMF, and for some projects by providing funds for additional capacity beyond what the TUMF project will provide.

Both TUMF and DIF are updated periodically to reflect changes in priorities as development occurs in different parts of the Western Riverside County. Future updates will provide the opportunity to prioritize improvements associated with the WLC.

The commenter is correct that the City cannot guarantee that the multi-jurisdictional efforts called for in the TIA will be successful. This is because it requires actions by third parties, such as Caltrans and other cities, which are not under the City of Moreno Valley's authority. This multi-jurisdictional framework, which is fully disclosed in the TIA, is a matter of state law and cannot be changed for this project. As such, mitigation that requires action on the part of other agencies results in the project impact remaining significant and unavoidable.

The issue of payments for direct impacts is also a matter of state law. The applicant is not responsible, and the City cannot require that an applicant be responsible, for rectifying existing deficiencies such as the condition of Gilman Springs Road. The City must follow the “rough proportionality” rule in the Mitigation Fee Act in determining the project’s financial responsibility for improvements.

Response to Comment F-13-93. See Response to Comment F-13-92.

Response to Comment F-13-94. The commenter describes the TIA’s mitigation plan for freeways as “convoluted” in that it describes a City policy to improve surface streets that “could serve as alternate routes to freeways.” He also suggests that some freeway mitigations were identified as infeasible due to cost or technical concerns without substantial evidence.

The TIA accurately describes complicated regional issues related to the expansion of freeways, which are unrelated to WLC (Chapter 11, Section E DEIR Appendix L). Unlike the surface streets, where intersection improvements are generally both feasible and desirable, the strategic issue for western Riverside County is that major freeway improvements are becoming increasingly problematic over time. A key problem is that the rights-of way are essentially built out in many locations and cannot be expanded without severely impacting existing communities (including loss of homes and businesses, visual intrusion, increased noise and air quality impacts, etc.) and incurring high costs in order to replace overcrossing structures. Moreover, there is a growing consensus that over-provision of freeway capacity facilitates long-distance commuting by car and leads to more auto-oriented residential development on the urban fringe, which in turn increases greenhouse gas emissions. This has resulted in a policy shift away from continued expansion of the freeway system, as reflected, for example, in Riverside County Transportation Commission’s (RCTC) Ordinance No. 02-001 which reads in part,

“State Routes 91 and 60 and Interstate Routes 15 and 215 cannot cost effectively be widened enough to provide for the traffic expected as Riverside County continues to grow. In addition to the specific highway improvements listed in Section 1 above, congestion relief for these highways will require that new north–south and east-west transportation corridors will have to be developed to provide mobility within Riverside County and between Riverside County and its neighboring Orange and San Bernardino Counties.”

In other words, as a matter of policy, with the exception of spot improvements in some specific locations, the overall strategy to relieve congestion on SR-60 and SR-91 is to improve the capacity of surface streets that could serve as alternate routes to freeways. The policy to forego further widening of some sections of SR-60 and SR-91 is also noted in the Riverside County Congestion Management Program (CMP) which permits LOS “F” for some of the study freeway sections because those sections already operated at LOS “F” when the CMP was established in 1991 (Riverside County Transportation Commission, “2011 Riverside County Congestion Management Program”, 2011, page 4-2). For these reasons some of the identified mitigation measures may not be pursued even if they are deemed feasible in an engineering sense.

This situation, which exists regardless of the WLC project, presents a complicated background within which freeway widening is addressed. The most straightforward traffic engineering approach is to identify locations where freeway widening would achieve an acceptable LOS, and that is the approach taken in the TIA. Nevertheless, it was felt that the TIA should disclose the fact that the designated congestion management agency for Riverside County, the RCTC, has determined that such widening may be undesirable and that the development of alternative corridors should be pursued instead. Thus the project’s payments into the TUMF and DIF programs, which fund the improvements to major surface street corridors, are mitigation because they help create viable alternative routes that would substitute for freeway travel for some trips. The TIA does not rely on this

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

approach to mitigate freeway impacts (it uses the freeway improvements measures identified in the TIA); it merely discloses to the public the fact that further widening may not occur as a result of the regional transportation strategy.

In the TIA, improvements were deemed to be infeasible if they would (1) require the acquisition of existing homes or businesses; (2) result in excessive air, noise, or vibration impacts on existing homes, businesses, or sensitive natural environments, or (3) create safety impacts that could be considered less acceptable than a reduced traffic LOS (Chapter 11, Section C DEIR Appendix L-1). The TIA characterized the impacts which could not be feasibly mitigated as significant and unavoidable. See TIA Chapter 11, Sections E and F. In cases where feasibility is uncertain the recommended improvement was treated as feasible in order to produce a conservative estimate of project responsibilities so the project's responsibilities would not be under-estimated.

Response to Comment F-13-95. The commenter states that MM 4.15.7.4A requires no mitigation of traffic impacts but only that a project-specific traffic study be prepared. He claims that this is insufficient in that it fails to incorporate any solution if the assumptions of the TIA are invalid.

The mitigation measure cited by the commenter sets a process in motion by identifying which of the identified mitigation measures are needed at the time each building comes on line. The requirement that the subsequent TIA study follow City guidelines, is intended to ensure that the study results are valid. The subsequent mitigation measures contain the requirements to mitigate the project-level impacts.

Response to Comment F-13-96. The commenter states that MM 4.15.7.4F requires only that the City contact Caltrans. The commenter states that the City has no authority over Caltrans and that this, "is the definition of uncertain and unenforceable mitigation." MM 4.15.7.4E and F have been deleted and replaced with the following:

4.15.7.4E 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.

For example, the intersection of Martin Luther King Blvd. and the I-215 northbound ramps (Intersection 85) in the City of Riverside was identified as a place where the World Logistic Center contributes to cumulatively significant impacts, and where the fair share contribution of the World Logistic Center project as a whole was computed to be 6.2%. If the City of Riverside establishes a fair share contribution program consistent with this Mitigation Measure 4.15.7.4F to improve that intersection, then when a certificate of occupancy is to be issued for a 2-million square feet high-cube warehouse in the World Logistic Center (approximately 5% of the entire World Logistic Center project) the amount of the fair share payment due from the Applicant to the City of Riverside would be computed as follows:

<u>Amount</u> <u>Due</u>	<u>≡</u>	<u>Total cost of</u> <u>Improvement</u>	<u>×</u>	<u>Total</u> <u>World Logistics</u> <u>Center fair share</u> <u>(6.2%) as</u> <u>determined by</u> <u>Traffic Impact</u>	<u>×</u>	<u>% attributable to the</u> <u>building that is subject to</u> <u>the certificate of</u> <u>occupancy (5%)</u>
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Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Analysis

$A \times B \times C = D$

<u>A= % attributable to the building that is subject to the certificate of occupancy (5%)</u> <u>B= Total World Logistics Center fair share (6.2%) as determined by Traffic Impact Analysis</u> <u>C= Total cost of Improvement</u> <u>D= Amount Due</u>

A similar calculation would be done for each subsequent building, with payments for each due at the time of issuance of the certificate of occupancy. As a result, while each building individually would not produce a significant impact, and therefore would not be required to pay any mitigation fees if considered by itself, the total amount of the payments for all of the buildings would be equal to the fair share payment for the entire World Logistic Center to the extent that the responsible jurisdiction has chosen to adopt a fair share contribution funding program consistent with Mitigation Measure 4.15.7.4F.

4.15.7.4F ~~City shall participate in a multi-jurisdictional effort with Caltrans and adjacent cities to develop a study to identify fair share contribution funding sources to supplement other regional and State funding sources necessary to implement the State facility and extra-territorial improvements identified in Tables 4.15.AZ and 4.15.BC necessary to mitigate the identified programmatic impacts to less than significant levels. The study shall include fair share contributions related to other private and public development and shall be based on the nexus requirements contained in the Mitigation Fee Act (Govt. Code Section 66000, et seq.) and 14 Cal. Code of Regs. Section 15126.4(a)(4). The Study shall also be compliant with Government Code Section 66001(g) and other applicable provisions of law. The Study shall set forth a timeline and other agreed upon relevant criteria for implementation of the improvements recommended in this EIR. Once the study 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 the adoption of the Study, City shall impose a fair share payment requirements on each development project processed under the World Logistics Center Specific Plan in accordance with the requirements of the Mitigation Fee Act. Required fair share payments shall be made prior to the issuance of occupancy permits for each requested development.~~

4.15.7.4F The Applicant shall pay a portion of the fair share of the cost of traffic improvements identified in the Transportation Impact Analysis for those significantly impacted road segments and intersections for each warehouse building within the World Logistics Center if the impacted jurisdiction has established a fair share contribution program prior to the approval of a building-specific plot plan. The City shall determine whether a fair share program exists in the impacted jurisdiction and, if one does exist, require that the appropriate fees are paid by the Applicant, consistent with the requirements below, prior to the issuance of a certificate of occupancy for the building in question. If 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. The impacts are to be determined on a road segment or intersection basis. Nothing in this condition requires the payment of a traffic impact fee imposed by another jurisdiction which covers improvement to facilities where the project does not have a significant impact.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Fair-share contributions will be determined on a building-by-building basis as a share of the impact of the Project as a whole (for each segment or intersection where the World Logistics Center project as a whole has a significant impact identified in the Programmatic Environmental Impact Report) as determined by the Traffic Impact Analysis and will be due as each certificate of occupancy is issued. The fair share payments for the significantly impacted road segments and intersections identified in the Programmatic Environmental Impact Report will be required even though the impact resulting from a specific building does not, by itself, cause a significant impact.

As the commenter acknowledges, the City has no authority to compel Caltrans to implement the freeway mitigation measures identified in the TIA. By pledging to work with Caltrans to establish a funding mechanism the City is going as far as its legal authority allows. The TIA fully discloses this information and correctly identifies impacts to State freeways as “significant and unavoidable” because mitigation cannot be guaranteed by the City. See TIA Chapter 11, Sections E and F, DEIR Appendix L-1.

Response to Comment F-13-97. The commenter states that the project relies heavily on the TUMF and DIF programs to reduce impacts. He questions whether the improvements from these programs will be done promptly given that a significant amount of streets impacted are not funded.

As with the previous comment, the City cannot guarantee action by other agencies as the City has no authority over other partner agencies, and this information has fully disclosed this in the TIA. However, it is already the policy of RCTC to prioritize improvements that support economic development projects such as WLC. To quote from RCTC’s *Commission Policy Goals and Objectives* statement:

“Encourage Economic Development

Transportation decisions will consider the economic benefits derived from any improvement, and, where feasible and practical, will pursue transportation alternatives that enhance or complement economic development.

- *Commit to seek opportunities related to transportation projects that will create jobs and improve the economic base in the County.*
- *Support local agencies in the design and construction of interchanges that are in proximity to regional economic centers and developments.*
- *Support local projects, consistent with countywide transportation goals, which enhance business development, local employment, and area tourism.”*

So while the City is not in a position to guarantee that TUMF funds will be directed toward projects associated with the WLC, there is strong reason to believe that this will occur.

The City of Moreno Valley prioritizes the expenditure of DIF funds in periodic updates of its Capital Improvement Program (CIP). Projects are prioritized based on several factors, including consideration of where development is taking place. There has not been much development activity at the eastern end of Moreno Valley where the WLC site is located, so it has not been a high priority area for DIF funding. However, if the WLC is approved and development begins to take off there then projects in this area will receive a higher priority and get funded sooner.

Response to Comment F-13-98. The commenter cites passages from the 2011 Annual Report, Transportation Uniform Mitigation Fee Program in support of contention that TUMF cannot be relied on to mitigate project impacts. He states that TUMF improvements can take up to 9 years to become

reality. He adds citations about which projects are currently scheduled for funding and the fact that project prioritization, programming, and allocation of funds may present barriers to improvements.

The commenter's contention that some of the improvements are not on TUMF's current project funding list overlooks the fact that the project list is periodically updated. Projects designed to support the WLC are not on the list because the WLC has not yet been approved; if the City approves the WLC then the project list will be adjusted to reflect this major economic development (see Response to Comment F-13-97, which describes priorities used in project selection). The comment puts the cart before the horse in terms of how prioritization, programming, and allocation of funds work in the TUMF program.

The commenter's statement that project development can take "up to 9 years" seems to be derived by adding together the maximum time required for each of the six steps of project development identified by Western Riverside Council of Governments (WRCOG). Looking at the minimum time required for each step would produce a more accurate statement such as "TUMF improvements can require anywhere from less than 2 years to as long as 9 years to become reality." This timeframe is reasonable when compared to the time required to build out the WLC project.

Response to Comment F-13-99. The water supply impacts are assessed and mitigated as discussed in Section 4.16.1.6.1 *Adequate Water Supply* of the DEIR. Eastern Municipal Water District (EMWD) has sufficient supplies to meet the needs of this project. In accordance with the provision of Senate Bill 221 and Senate Bill 610, a Water Supply Assessment (WSA) was prepared by EMWD specifically for this project, the World Logistics Center. That document is included in the DEIR Appendix M Water Resources. As outlined in Section 5-4 Conclusion, page 24 of the WSA, "*Based on present information and the assurance that Metropolitan Water District (MWD) is engaged in identifying solutions that, when combined with the rest of its supply portfolio, will ensure a reliable long-term water supply for its member agencies, EMWD has determined that it will be able to provide adequate water supply to meet the potable water demand for this project as part of its existing and future demands.*"

Response to Comment F-13-100. As outlined in the DEIR Appendix M *Water Resources*, the WSA Section 3.2 Project Demand indicates that the projected water demand for the project is 1,991.25 acre feet per year. The water demand is made up of two components, building demand and irrigation demand. The WSA states that, "*A majority of the estimated demand would be for landscape irrigation. The developers of this project are proposing very low water use landscaping which would reduce the projected project demand significantly.*" To determine the potential reduction in demand with the low water use landscaping the difference in the project demand and building demand was determined. The building demand is 450 acre feet per year as outlined in the Technical Memorandum World Logistics Center Water Demands and Waste Water Generation for Buildings dated March 13, 2012. The maximum potential reduction in irrigation demand due to the use of drought tolerant plants is the difference between the WSA project demand of 1,991.25 acre feet per year and the building demand of 450 acre feet per year which equals 1,541.25 acre feet per year. MMs 4.16.1.6.1A, 4.16.1.6.1B, and 4.16.1.6.1C will be implemented to mitigate the water supply impacts to less than significant.

Additional information has been added to the *Hydrology and Water Quality Master Plan of Drainage Report* (FEIR Volume 2 Appendix J-1) to provide specific information for the drainage systems to include the size, capacity, design, function and maintenance requirements of the detention basins. The detention basins have been modified to combined detention and infiltration. Additional analysis has been performed to detail the infiltration capacity of the basins and indicates that runoff leaving the project site will be less than or equal to the existing condition. Infiltration after the project will be greater than the existing condition. Additional details on the spreading areas and mitigation of flow volumes and velocities at the project boundary have been added to the Master Plan of Drainage

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Report and are summarized in Responses to Comments B-3-37 and B-3-39 in Letter B-3 from the California Department of Fish and Wildlife regarding water-related comments.

Response to Comment F-13-101. The commenter cites a court case regarding the analysis of alternatives. The DEIR did identify the Reduced Density Alternative as environmentally superior to the proposed project, but then rejected it as not meeting the project objectives to nearly the same degree as the proposed project. The commenter has provided no empirical evidence that any of the alternatives would substantially reduce or eliminate one or more significant impacts of the proposed project while largely meeting the objectives of the WLC project. It will be up to the City Council to weigh the benefits versus the impacts of the proposed project and all of the project alternatives before making a decision on the WLC project.

Response to Comment F-13-102. The commenter believes the alternatives analysis in the EIR is not adequate. The EIR does evaluate a reasonable range of alternatives, based on the potential significant environmental impacts of the project identified in the DEIR and the project objectives. The EIR examined impacts of the General Plan land use and Zoning designations at present (i.e., Moreno Highlands Specific Plan) with 7,736 residential units, a Reduced Density Alternative 1 with 30 percent less development than the proposed project, a Mixed Use Alternative 2 with a mix of 1,410 acres of logistics warehousing (22 million square feet), 1,000 acres of light manufacturing, assembly, or business park uses (20 million square feet), 50 acres of retail commercial uses (500,000 square feet), 100 acres of professional or medical office uses (1 million square feet), and 150 acres of open space, and Mixed Use B Alternative 3 which is the Moreno Highlands Specific Plan but with 603 acres of logistics warehousing instead of commercial uses. In addition, the DEIR identified a number of potential alternatives, including all residential uses, that were examined but rejected from further consideration. The commenter has failed to state why the alternatives selected for analysis in the DEIR are not reasonable.

Response to Comment F-13-103. The commenter states the DEIR does not explain Alternatives 1-3. The commenter is correct to some degree in that the DEIR does not provide a potential site plan for any of the proposed alternatives. However, it must be remembered that there is no site plan for the WLC project as proposed either, so it is reasonable to evaluate the potential alternatives at a programmatic level, similar to that in the DEIR for the proposed project. Section 6.3.1 of the DEIR provides a summary of development characteristics of each alternative, plus quantitative and qualitative comparisons to the other alternatives and the proposed project. None of the alternatives reduces air quality and traffic impacts to less than significant. This level of detail is appropriate given the nature of the proposed WLC project, as explained in Section 6 of the DEIR.

Response to Comment F-13-104. The commenter disagrees with the conclusions of the DEIR regarding Alternative 1 as the environmentally superior alternative. Section 6.3.6 of the DEIR did examine the potential environmental impacts of Alternative 1, and found it reduced a number of significant impacts of the project (i.e., incrementally with the reduction in square footage), but it could not reduce those impacts to less than significant levels due to the size and nature of the project and proposed land uses. In addition, Section 6.3.6 evaluated the degree to which Alternative 1 meets the goals of the proposed project, and found that it did not achieve them to nearly the same degree as the proposed project. Therefore, the DEIR correctly rejected Alternative 1 in favor of the proposed project because Alternative 1. However, it will be up to the discretion of the City Council to determine if these conclusions are correct, based on all the evidence available in the record at the time of decision on the project.

Attachments and Citations

- 1) Western Riverside Council of Governments, 2011 Annual Report, Transportation Uniform Mitigation Fee Program, http://www.wrcog.cog.ca.us/downloads/AnnualReport_for_web.pdf

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- 2) Western Riverside Council of Governments, Funded Expenditures in the Central Zone, <http://www.wrcog.cog.ca.us/downloads/2012CentralZoneTIP020612.pdf>.
- 3) The Press Enterprise, Jack Katzanek (February 1, 2012) "Moreno Valley: Skechers' warehouse has caused net job loss," <http://www.pe.com/business/business-headlines/20120201-moreno-valley-skecherswarehouse-has-caused-net-job-loss.ece>
- 4) The Health Effects of Air Pollution on Children, Michael T. Kleinman, Ph.D., Fall 2000, http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren
- 5) Diesel and Health in America: the Lingering Threat, Clean Air Task Force, February 2005, http://www.catf.us/resources/publications/files/Diesel_Health_in_America.pdf
- 6) Annual Meeting of the Brain & Lung Tumor and Air Pollution Foundation, April 2, 2010, <http://www.aqmd.gov/hb/2010/April/100425a.htm>
- 7) Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures, California EPA OEHHA Air Toxicology and Epidemiology Branch, April 2009, p. 3. http://www.oehha.ca.gov/air/hot_spots/pdf/TSDCPFApril_09.pdf.
- 8) California Air Pollution Control Officers Association. (January 2008) CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.
- 9) U.S. Department of Transportation, Federal Highway Administration. (August 2006) Construction Noise Handbook, Chapters 3, 4, and 9 http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/index.cfm
- 10) Electronic Library of Construction Occupational Safety and Health (November/December 2002) Construction Noise: Exposure, Effects, and the Potential for Remediation; A Review and Analysis.
- 11) U.S. Department of Housing and Urban Development. (March 1985) The Noise Guidebook.
- 12) Suter, Dr. Alice H., Administrative Conference of the United States. (November 1991) Noise and Its Effects.

Response to Résumé. This attachment was not directly referenced in the comment letter. It provides personal qualifications and references for Raymond W. Johnson, the commenter on behalf of the Sierra Club. No response is necessary.

Response to Attachment 1. 2011 Annual Report, Transportation Uniform Mitigation Fee Program, Western Riverside Council of Governments, "Five Year Transportation Improvement Program). In Comment F-13-98, the commenter stated that "the roadways reliant on TUMF funds are not presently scheduled for improvement nor are the improvements funded." And attached the 2011 Annual Report, Transportation Uniform Mitigation Fee Program, Western Riverside Council of Governments, "Five Year Transportation Improvement Program (TIP), as a reference to that comment. The commenter apparently believes that if a roadway indicated for mitigation under the TUMF program is not shown in the 2011 annual report, then that improvement is not guaranteed and cannot be relied on when estimating the potential success of recommended mitigation. This is a false assumption, because the WRCOG schedules its TUMFs improvements by 5 year increments on a floating schedule based on fees collected and the prioritized need for various improvements over time. The TUMF by necessity does not show a construction schedule for every planned improvement, but rather includes them in their five year TIP as they are needed based on the TUMFs priority criteria.

Additionally, the transportation improvements assumed to be in place for the General Plan Year 2035 traffic scenario include the transportation improvements contained in the Federal Transportation

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Improvement Program (FTIP), the RTP Financially Constrained Project List, and the City of Moreno Valley General Plan road network. The 2012 FTIP covers the first four years of SCAG's 2012-2035 Regional Transportation Plan (RTP). The RTP Financially Constrained Project List covers transportation projects that are next in line to be programmed and included in the four year FTIP. These projects would occur in the 2016-2035 time frame. The General Plan network includes future planned improvements that are funded through the City's Development Impact Fee (DIF), WRCOG's TUMF, and improvements made directly by developers. The expectation that these improvements will be in place is appropriate for the long-term traffic analysis contained in this Program EIR because the General Plan Year 2035 traffic scenario also assumes buildout of the City's General Plan land uses. Most of the City's future transportation improvements will be funded through DIF and TUMF fees collected from future developments projects. If future developments projects do not fully buildout per the General Plan, then the LOS on the study streets and intersection would likely be better than shown in the TIA.

Response to Attachment 2. (Cited but not attached). Since the material was not attached it is unclear why the commenter included it, but it is assumed it is related to TUMF implementation, so see Response to Attachment 1 above.

Response to Attachment 3. (Cited but not attached). Since the material was not attached it is unclear why the commenter included it, but it is assumed it is related to WLC project employment projections, so see Responses to Comments G-90-1 and G-90-2.

Response to Attachment 4. (Cited but not attached). Since the material was not attached it is unclear why the commenter included it, but it is assumed it is related to air quality and health risk impacts of the WLC project, so see Response to Comment F-11-14.

Response to Attachment 5. (Cited but not attached). Since the material was not attached it is unclear why the commenter included it, but it is assumed it is related to air quality and health risk impacts of the WLC project, so see Response to Comment F-11-14.

Response to Attachment 6. (Cited but not attached). Since the material was not attached it is unclear why the commenter included it, but it is assumed it is related to air quality and health risk impacts of the WLC project, so see Response to Comment F-11-14.

Response to Attachment 7. (Cited but not attached). Since the material was not attached it is unclear why the commenter included it, but it is assumed it is related to air quality and health risk impacts of the WLC project, so see Response to Comment F-11-14.

Response to Attachment 8. Attached). This material was included to indicate State recommended procedures for Greenhouse Gas (GHG) emission calculations, and those procedures were followed in the GHG Assessment for the WLC project, as outlined in Section 4.7, Greenhouse Gas Emissions, of DEIR.

Response to Attachment 9. (Attached). This material was included to indicate Federal recommended procedures for construction noise calculations, and those procedures were followed in the Noise Assessment for the WLC project, as outlined in Section 4.12, Noise, of the DEIR, and DEIR Appendix K-1.

Response to Attachment 10. (Attached). This material was included to indicate federally recommended noise protection guidelines for construction workers. CEQA does not require assessment of noise impacts on workers that is covered by separate State and Federal laws and regulations.

Response to Attachment 11. (Attached). This dated material was apparently provided to illustrate Federal noise assessment and public safety guidelines regarding noise impacts. This material has largely been supplanted by more current references which were used in the Noise Assessment for the WLC project, as outlined in Section 4.12, Noise, of the DEIR, and DEIR Appendix K-1.

Response to Attachment 12. (Attached). This dated material was apparently provided to illustrate community noise and public safety guidelines regarding noise impacts. This material has largely been supplanted by more current references which were used in the Noise Assessment for the WLC project, as outlined in Section 4.12, Noise, of the DEIR, and DEIR Appendix K-1.

Letter F-14: Sierra Club, San Geronio Chapter (April 30, 2013)



SAN GORGONIO CHAPTER

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

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

Good Morning Mr. Gross,

Re: World Logistic Center (WLC) Draft EIR

The Sierra Club wishes to add another comment to our letter of April 8, 2013 concerning the World Logistic Center's DEIR. On page three of that letter we mention that the WLC is displacing not replacing many of the Moreno Highlands Housing units. As a result of the updated (2011) Housing Element as well as the City Council's approval of item E.2 on their April 23, 2013 agenda (copied below) and other General Plan Amendments since 2006, the Sierra Club believes the Moreno Valley General Plan is now internally inconsistent – especially with the addition of the WLC. The World Logistic Center's Final EIR needs to prove that Moreno Valley's last General Plan the City approved in 2006 is not and will not be internally inconsistent with the approval of the WLC or the document will be inadequate. Item E.2 (the Alessandro Blvd Corridor Implementation project) has been in planning process since at least 2010 and perhaps for at least five years and therefore must be part of the WLC's traffic analysis.

Thank you,

*George Hague
 Sierra Club
 Moreno Valley Group
 Conservation Chair*

- E.2 [ALESSANDRO BOULEVARD CORRIDOR IMPLEMENTATION PROJECT, WHICH INCLUDES TWO GENERAL PLAN AMENDMENTS \(PA11-0028 & PA12-0046\), TWO CHANGES OF ZONES \(PA11-0029 & PA12-0047\), AND MUNICIPAL CODE AMENDMENT \(PA11-0030\). THE PROJECT INCLUDES REZONING AREAS ALONG ALESSANDRO BOULEVARD AND NEAR PERRIS BOULEVARD AND IRIS AVENUE TO R30 \(RESIDENTIAL UP TO 30 UNITS PER ACRE\), 10.46 ACRES TO OPEN SPACE, COMMERCIAL REZONING OF A PARCEL AT THE SOUTHWEST CORNER OF PERRIS BOULEVARD AND GENTIAN AVENUE, AND THE CREATION OF A MIXED USE DISTRICT OVERLAY. THE R30 REZONING WILL PROVIDE CONSISTENCY WITH THE CITY'S CERTIFIED HOUSING ELEMENT](#)

(Report of: Community & Economic Development Department)

RESPONSES TO LETTER F-14

Sierra Club, San Geronio Chapter

Response to Comment F-14-1. The commenter believes the City's General Plan will be inconsistent if the World Logistics Center Specific Plan (WLCSP) is approved (mainly relative to the Housing Element). The Traffic Impact Analysis (TIA) prepared for the WLC project did in fact account for the Alessandro Boulevard Corridor Improvement project in its list of planned improvements for 2010. In addition, City staff has conducted an evaluation of the proposed WLC project compared to the current General Plan and has found no inconsistencies as long as the proposed General Plan Amendment (GPA) is approved.

Page 3-12 of the DEIR states..."*The City's 2006 Housing Element identified the Moreno Highlands Specific Plan as a potential source of vacant land that could accommodate possible future residential growth in the City. In 2011, the City updated its Housing Element and anticipated possible land use changes from mixed use and residential to jobs producing warehouses in the eastern part of the City. The 2011 Housing Element concluded that redesignating the entire land area east of Redlands to the eastern City border for warehouse uses would not impede the City's Housing Element Objectives. The State Department of Housing and Community Development certified the City's Housing Element as being in compliance with State law on February 22, 2011. The proposed project is consistent with the City's current Housing Element.*"

The two General Plan Amendments and zone changes cited by the commenter have been accounted for in the latest Land Use Element of the General Plan, and the staff report at that time determined those actions were consistent with other elements of the General Plan. The commenter has not provided any empirical evidence that any elements of the General Plan are inconsistent with each other in relation to the WLC.

**Letter F-15: California Clean Energy Committee (June 25, 2013) and
Appendices 188–204 (On Flash Drive)**

California Clean Energy Committee

*"We're all working together
to do a better job for the country."*

June 25, 2013

Mr. Mark Gross, Senior Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92553

Re: Comments on Draft Program Environmental Impact Report
World Logistics Center Project
(SCH # 2012021045)

Dear Mr. Gross:

Additional documents in support of our letter are attached in a USB flash drive. Please let us know if you have any difficulty accessing them. 1

The mitigation for climate, air quality and energy impacts should require that the developer adopt covenants, conditions, and restrictions requiring all projects on the site to provide electric vehicle charging for employees using Level 2 or Level 3 charging stations that would be consistent with increasing usage needs over time. The development agreement should contain similar provisions. 2

The discussion of mitigation should consider the advantage of requiring employers to provide charging at no cost to employees as mitigation for impacts and should account for companies being able to install Smart Grid enabled charging stations to take advantage of revenues for ancillary grid services. 3

The Goods Movement Appendix to the 2012-2035 SCAG RTP illustrates how the Heavy Duty Truck model can be used to project daily truck trips based on land use designations and the impacts on congestion and air quality. The WLC project, the Heavy-Duty Truck Model should be used to analyze the impacts over time of the increased truck traffic produced by the WLC on major corridors and the EIR recirculated. 4

Also, it should be noted that that the statements in the EIR that the project will comply with Executive Order S-3-05 are unsupported. S-3-05 provides that GHG emissions will be 80 percent below 1990 levels by 2050. 5

Mr. Mark Gross, Senior Planner
June 25, 2013
Page 2

The EIR should also consider the CPUC self-generation incentive program (SGIP) available through the Gas Company which offers incentives up to \$5 million or 60 percent of eligible project costs. — 6

Respectfully submitted,

Eugene S. Wilson

Enclosures

APPENDICES

- Appendix 188 Honda, FCX Clarity Refueling.
- Appendix 189 Hydrogenics, Hydrogenics' Electrolysis-Based Fueling Stations.
- Appendix 190 Electric Vehicle World, Latest Employee Perk in Silicon Valley: Free Electric Car Charging (Mar. 15, 2013).
- Appendix 191 Coulomb Technologies, Meet Employee Demand for Electric Vehicle Charging and Energize Green Initiatives at the Workplace (Mar. 2010).
- Appendix 192 U.S. DOE, Plug-in Electric Vehicle Basics (Jan. 2013).
- Appendix 193 U.S. DOE, EV Everywhere Workplace Charging Challenge.
- Appendix 194 U.S. DOE, Workplace Charging Challenge Pledge and Benefits.
- Appendix 195 Plug-In Electric Vehicle Collaborative, A Toolkit for Community Plug-In Electric Vehicle Readiness (Aug 2012).
- Appendix 196 National Renewable Energy Laboratory, Breakeven Prices for Photovoltaics on Supermarkets in the United States.
- Appendix 197 Walmart, Walmart Announces New Commitments to Dramatically Increase Efficiency and Renewables.
- Appendix 198 California Air Resources Board, Regulatory Guidance Document.
- Appendix 199 California Public Utilities Commission, 2013 Self-Generation Incentive Program Handbook (Feb. 2013).
- Appendix 200 Atlantic City Station LLC, Cool Business Districts; District Cooling System Offers Environmental and Financial Benefits.
- Appendix 201 Dablanc, L. & Ross, C., Atlanta: A Mega Logistics Center in the Piedmont Atlantic Megaregion (2012).
- Appendix 202 Dablanc, L., Logistics Sprawl and Urban Freight Planning Issues in a Major City (forthcoming).
- Appendix 203 American Council for an Energy Efficient Economy, Energy Efficiency Potential of the U.S. Freight System: A Scoping Exercise (May 2013).
- Appendix 204 Moreno Valley Utility, Quarterly Report of Power Content.

RESPONSES TO LETTER F-15

California Clean Energy Committee

Response to Comment F-15-1. The commenter wants the City to know it submitted a number of additional materials on a flash drive. The City did receive them and has responded accordingly to each item.

Response to Comment F-15-2. Mitigation Measure (MM 4.3.6.4A) has been revised to state:

~~4.3.6.4A~~ Prior to the issuance of a building permit for each development within the WLCSP, the developer shall demonstrate to the satisfaction of the City that the project incorporates the following:

- ~~a) All tenants shall participate in Riverside County's Rideshare Program. The purpose of the program would be to discourage single occupancy vehicle trips and encourage alternate modes of transportation such as carpooling, transit, walking, and biking. The program shall provide employees with assistance in using alternate modes of travel, including carpooling encouragement, ride-matching assistance, and vanpool assistance.~~
- ~~b) Storage lockers shall be provided in each building for a minimum of three percent of the full time equivalent employees based on a ratio of 0.60 employee per 1,000 square feet of building area.~~
- ~~c) Class II bike lanes shall be incorporated into the design for Gilman Springs Road (SR 60 to Alessandro Boulevard), Theodore Street (SR 60 to project), Eucalyptus Avenue (Redlands Boulevard to Theodore Street), and the main roads in the project (Street A, Street B, Street C, Street D, Street E, and Street F).~~
- ~~d) The project shall incorporate pedestrian pathways between on-site uses.~~
- ~~e) Site design and building placement shall provide pedestrian connections between internal and external facilities.~~
- ~~f) The project shall provide pedestrian connections to residential uses within 0.25 mile from the project site.~~
- ~~g) A minimum of two electric vehicle charging stations for automobiles or light duty trucks shall be provided at each building.~~
- ~~h) Each building shall provide secure bicycle storage space equivalent to five percent of the automobile parking spaces provided.~~
- ~~i) Each building shall provide a minimum of two shower and changing facilities within 200 yards of a building entrance.~~
- ~~j) Each building shall provide preferred parking for low emitting and fuel efficient vehicles equivalent to at least eight percent of the required number of parking spaces.~~
- ~~k) All discretionary approvals for development shall include a 250 foot setback along the western portion of the site adjacent to Redland Boulevard, Bay Avenue and Merwin Street, from the CDFW property, and between residentially zoned property and logistics buildings in the WLC Specific Plan along Redlands Boulevard, Bay Avenue, and Merwin Street.~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

- ~~l) Electrical power sources shall be provided for service equipment and docking of trucks to minimize idling emissions and emissions from transportation refrigeration units if such units are to be used. The project applicant shall include in all new lease documents the requirement that tenants shall use only trucks with transportation refrigeration units capable of utilizing electrical hook-ups.~~

4.3.6.4A The following measures shall be incorporated as conditions to any Plot Plan approval within the Specific Plan:

- a) All tenants shall be required to participate in Riverside County's Rideshare Program.
- b) Storage lockers shall be provided in each building for a minimum of three percent of the full-time equivalent employees based on a ratio of 0.50 employees per 1,000 square feet of building area. Lockers shall be located in proximity to required bicycle storage facilities.
- c) Class II bike lanes shall be incorporated into the design for all project streets.
- d) The project shall incorporate pedestrian pathways between on-site uses.
- e) Site design and building placement shall provide pedestrian connections between internal and external facilities.
- f) The project shall provide pedestrian connections to residential uses within 0.25 mile from the project site.
- g) A minimum of two electric vehicle-charging stations for automobiles or light-duty trucks shall be provided at each building. In addition, parking facilities with 100 parking spaces or more shall be designed and constructed so that at least three percent of the total parking spaces are capable of supporting future electric vehicle supply equipment (EVSE) charging locations. Only sufficient sizing of conduit and service capacity to install Level 2 Electric Vehicle Supply Equipment (EVSE) or greater are required to be installed at the time of construction.
- h) Each building shall provide indoor and/or outdoor - bicycle storage space consistent with the City Municipal Code and the California Green Building Standards Code. Each building shall provide a minimum of two shower and changing facilities for employees.
- i) Each building shall provide preferred and designated parking for any combination of low-emitting, fuel-efficient, and carpool/vanpool vehicles equivalent to the number identified in California Green Building Standards Code Section 5.106.5.2 or the Moreno Valley Municipal Code whichever requires the higher number of carpool/vanpool stalls.

The following information shall be provided to tenants: onsite electric vehicle charging locations and instructions, bicycle parking, shower facilities, transit availability and the schedules, telecommunicating benefits, alternative work schedule benefits, and energy efficiency.

The commenter recommends the following mitigation:

Suggested Mitigation Measure	Response
The developer should adopt covenants, conditions, and restrictions requiring all projects on the site to provide electric vehicle charging for employees using Level 2 or Level 3 charging stations that would be	Included. MM 4.3.6.4A requires electric vehicle charging stations. Please see the Final Environmental Impact Report (FEIR) Mitigation Monitoring Reporting Program for a list of the

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Suggested Mitigation Measure	Response
consistent with increased usage needs over time.	project's mitigation measures.

Response to Comment F-15-3. In the Draft Environmental Impact Report (DEIR) the project provides a mitigation measure that will require that each building provide a minimum of two electric vehicle-charging stations for automobiles or light-duty trucks. (MM 4.3.6.4Ag). Employees' compensation includes both direct components – wages – and indirect components – benefits. The total amount of an employee's compensation is a function of the employment market. Providing free electricity to employees would be an indirect benefit which require that other portions of the employees' compensation be reduced. There is currently no reason to believe that employees would choose free electricity over other direct or indirect compensation nor that it would be particularly effective in getting employees to use rechargeable electric vehicles in lieu of vehicles using more prosaic internal combustion motors. Most employees wouldn't choose electric cars for any number of reasons, including the high initial cost of the vehicle, its short driving range, and potential problems with a relatively new technology. Imposing a requirement that operators of logistics facilities provide free electricity to employees would thus prove a disincentive to both the operator of the facility – which would make getting qualified employees more difficult – and the employees themselves – who would, in large measure not take advantage of free electricity. Providing free electricity would thus be counter-productive and make the achievement of project objectives more difficult.

The commenter recommends the following mitigation:

Suggested Mitigation Measure	Response
Consider the advantage of requiring employers to provide charging at no cost to employees as mitigation for impacts and should account for companies being able to install Smart Grid enabled charging stations to take advantage of revenues for ancillary grid services.	Not Included. In the DEIR, the project provides a mitigation measure that will require that each building provide a minimum of two electric vehicle-charging stations for automobiles or light-duty trucks (MM 4.3.6.4Ag). Employees' compensation includes both direct components – wages – and indirect components – benefits. The total amount of an employee's compensation is a function of the employment market. Providing free electricity to employees would be an indirect benefit which require that other portions of the employees' compensation be reduced. There is currently no reason to believe that employees would choose free electricity over other direct or indirect compensation nor that it would be particularly effective in getting employees to use rechargeable electric vehicles in lieu of vehicles using more prosaic internal combustion motors. Most employees would not choose electric cars for any number of reasons, including the high initial cost of the vehicle, its short driving range and potential problems with a relatively new technology. Imposing a requirement that operators of logistics facilities provide free electricity to employees would thus prove a disincentive to both the operator of the facility – which would make getting qualified employees more difficult – and the employees themselves – who would, in large measure not take advantage of free electricity. Providing free electricity would thus be counter-productive and make the achievement of project objectives more difficult.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment F-15-4. The commenter requests that the project use the Heavy Duty Truck Model. Southern California Association of Governments' (SCAG) Heavy Duty Truck Model is a component of SCAG's regional traffic model, from which the Riverside County Traffic Analysis Model (RivTAM) model was derived. Therefore, when the Traffic Impact Analysis (TIA) used the RivTAM model it was also using the Heavy Duty Truck Model.

Response to Comment F-15-5. The commenter indicates that statements in the EIR that the project will comply with Executive Order S-3-05 are unsupported. Appendix D of the DEIR indicates that the project does not comply with Executive Order S-3-05; the DEIR Section 4.7 has typographical errors in this regard, which will be fixed in the FEIR.

Response to Comment F-15-6. It is understood that co-generation and self-generation facilities are widely used on large campus single owner parcels to distribute power and provide heating and cooling opportunities for all buildings. This option has been reviewed during the DEIR process and while it may also be used on similar projects outside of California, currently the state does not allow private co-generation systems such as this to cross Public right of way to serve individual property owners (California Public Utilities Code Section 218).

The California Public Utilities Commission (CPUC) self-generation incentive program is available for all future buildings in the WLC if the gas company continues to offer it. It cannot be guaranteed at this stage of development. The appropriate means of conserving natural resources such as natural gas will be determined when a project specific plot plan is processed and details of the specific building proposals are known.

Response to Appendix 170 (Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information supports the need for more warehousing space. The study's Executive Summary states the following:

- "According to assumed growth rates, the region will run out of suitably zoned vacant land in about the year 2028. At that time, forecasts show that the demand for warehousing space will be approximately 1,023 million square feet (Page ES-1; Exhibit O).
- During the year 2035, there will be a projected shortfall of space of about 228 million square feet, unless other land not currently zoned for warehousing becomes available" (Page ES-2; Exhibit O).

The WLC will contribute to the supply of warehouse space necessary to satisfy a portion of this demand. This SCAG Report supports other data presented in its responses to DEIR comments that there will be more than sufficient demand to support the WLC.

Response to Appendix 188 (Honda, FCX Clarity Refueling). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to alternative hydrogen fueled vehicles.

Response to Appendix 189 (Hydrogenics, Hydrogenics' Electrolysis-Based Fueling Stations). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to alternative hydrogen fueling stations.

Response to Appendix 190 (Electric Vehicle World, Latest Employee Perk in Silicon Valley: Free Electric Car Charging (Mar. 15, 2013)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to illustrate an employee perk that could be initiated at the WLC.

Response to Appendix 191 (Coulomb Technologies, Meet Employee Demand for Electric Vehicle Charging and Energize Green Initiatives at the Workplace (Mar. 2010)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to workplaces providing charging stations for plug in vehicles.

Response to Appendix 192 (U.S. DOE, Plug-in Electric Vehicle Basics (Jan. 2013)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide general information related to plug in vehicles.

Response to Appendix 193 (U.S. DOE, EV Everywhere Workplace Charging Challenge). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to workplaces providing charging stations for plug in vehicles.

Response to Appendix 194 (U.S. DOE, Workplace Charging Challenge Pledge and Benefits). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to workplaces committing to installing charging stations for plug in vehicles.

Response to Appendix 195 (Plug-In Electric Vehicle Collaborative, A Toolkit for Community Plug-In Electric Vehicle Readiness (Aug 2012)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to preparation communities can take in response to the growth of electrical vehicles in their neighborhoods.

Response to Appendix 196 (National Renewable Energy Laboratory, Breakeven Prices for Photovoltaic on Supermarkets in the United States). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to breakeven prices for solar versus electricity purchased from the grid for supermarkets in the US.

Response to Appendix 197 (Wal-Mart, Wal-Mart Announces New Commitments to Dramatically In-crease Efficiency and Renewables). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to large companies (Walmart) committing to the use of renewable energy.

Response to Appendix 198 (California Environmental Protection Agency Air Resources Board, Regulatory Guidance Document). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the cap and trade program in California.

Response to Appendix 199. The California Clean Energy Committee's document does not directly refer to its Appendix 199, which is a manual describing how to participate in the Self Generation Incentive Program, which assists companies in the installation of new qualifying technologies to provide electrical energy to a system. To the degree that there is an economic incentive or a legal requirement to participate in such a program, the owners or tenants within the project will consider applying for such funding.

Response to Appendix 200. (Cool Business Districts - District Cooling System Offers Environmental and Financial Benefits). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to district cooling systems.

Response to Appendix 201 (Dablang, L. & Ross, C., Atlanta: A Mega Logistics Center in the Piedmont Atlantic Megaregion (2012)). The appendix was not directly referenced in the comment

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

letter. It is assumed the appendix is intended to provide additional information related to the comment “the Heavy-Duty Truck Model should be used to analyze the impacts over time of the increased truck traffic produced by the WLC on major corridors....” The appendix presents analysis on characteristics of the geography of the logistics industry, specifically “logistics sprawl” and the “polarization of logistics activities.”

Response to Appendix 202 (Dablan, L., Logistics Sprawl and Urban Freight Planning Issues in a Major City (forthcoming)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the comment the Heavy Duty Truck Model should be used. The appendix presents a study on the “spatial patterns of freight and logistics activities and the planning and policy issues associated with them, using Los Angeles as a case study.”

Response to Appendix 203 (American Council for an Energy Efficient Economy, Energy Efficiency Potential of the U.S. Freight System: A Scoping Exercise (May 2013)). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to the comment the Heavy Duty Truck Model should be used. The appendix presents a review of “*three studies on greenhouse gas reduction potential in the U.S. transportation sector...and their findings on reductions in the freight sector through energy efficiency strategies.*”

Response to Appendix 204. (Moreno Valley Utility Quarterly Report of Power Content). The appendix was not directly referenced in the comment letter. It is assumed the appendix is intended to provide additional information related to Moreno Valley Utility Power.

G. LETTERS FROM PRIVATE INDIVIDUALS

Letter G-1: Mike and Linda Cree (March 10, 2013)

MAR 12 2013

March 10, 2013
Re: World Logistics Warehouse Project, proposed

Dear Sirs

We wish to express our deep concern and opposition to the over-development of warehouses proposed in Moreno Valley's east end. The proposed World Logistics Center Project is ridiculous in scope, completely altering the nature of our valley. It would deteriorate the quality of life for residents and is grossly unfair to property owners who have invested in homes here.

1

Our objections are many-fold, including fears of transportation and traffic congestion, as well as deep concerns about air quality and health risks. If built, the entire corridor along Highway 60 will have increased traffic and air pollution. The effects would not only affect our valley, but be hazardous to surrounding communities as well.

2

The visual blight created by massive warehouses would create an eyesore ridiculed by passersby and surrounding community members. Nearby communities are quoted as regretting the development of warehouses for the same reasons named above ~ traffic, noise, pollution, health risks and visual blight. I hope Moreno Valley can learn from their mistakes and not ruin our valley in the same way.

3

Why are we even considering a huge project such as this? Surely not for jobs. It has already been shown that the number and quality of jobs are minimal ~ not the "high paying" jobs quoted by the proponents. Our valley is not the right location for a warehouse project of this magnitude. The natural smog pocket created by the "badlands" area will cause the pollution to pile up and poison all of us.

4

5

In summary, we implore our city council, of elected officials, to make the right choice in the development of our valley and to say NO TO WAREHOUSES. It is not the right nor the responsible choice for our valley. It alters our city's general plan and is a breach of trust for the citizenry.

6

Thank you for listening to our voices. Please defeat this bad idea.

Sincerely,

Mike & Linda Cree

Mike and Linda Cree, voters
28974 Gifford Ave
Moreno Valley (Rancho Belago), CA 92555

RESPONSES TO LETTER G-1

Mike and Linda Cree

Response to Comment G-1-1. The many potential environmental impacts of the proposed World Logistics Center (WLC) project are fully evaluated in the Draft Environmental Impact Report (DEIR), including substantial changes in views and land use on the site and for surrounding neighbors and neighborhoods. The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-1-2. None of the comments apply to the Environmental Impact Report (EIR) analysis or conclusions, but are personal observations about the project and project review process. The DEIR concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project, if it decides to approve the project.

Response to Comment G-1-3. None of the comments apply to the EIR analysis or conclusions, but are personal observations about the project and project review process. The DEIR concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project, if it decides to approve the project.

Response to Comment G-1-4. None of the comments apply to the EIR analysis or conclusions, but are personal observations about the project and project review process. The DEIR concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project, if it decides to approve the project.

Response to Comment G-1-5. None of the comments apply to the EIR analysis or conclusions, but are personal observations about the project and project review process. The DEIR concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project, if it decides to approve the project.

Response to Comment G-1-6. The proposed WLC project includes a General Plan Amendment (GPA) that identifies those portions of the City's General Plan that will be revised if the WLC project is approved, and the GPA was evaluated in appropriate sections of the EIR (e.g., 4.10, *Land Use and Planning*). The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-2: Perry Johnson (email) (March 14, 2013)

From: perryd57@roadrunner.com [<mailto:perryd57@roadrunner.com>]

Sent: Thursday, March 14, 2013 9:35 AM

To: Planning Email

Cc: Tom Owings

Subject: WLC Project Questions

WORLD LOGISTICS CENTER PROJECT

DRAFT ENVIRONMENTAL IMPACT REPORT (SCH #2012021045) Mark Gross, AICP, Senior Planner,
Moreno Valley, California PlanningEmail@moval.org <PlanningEmail@moval.org>

Mr. Gross,

I have some general questions that I have not found an answer to yet. I listened to the city's information on the development, based on full occupancy, and I listened to the counter presentation at Valley View High School on March 9th. I felt both were one sided. I'm looking for more balanced information. I have not heard about the following:

1. How long is the life expectancy of the WLC? Are there any plans beyond the life expectancy of the WLC for the same area? 1
2. Are there any checks and balances as to what companies can locate into the WLC? 2
3. How will the widening of the Panama Canal affect the U.S. West Coast Logistics market? 3
4. Have mitigating factors been considered to segregate the WLC away from existing housing developments, i.e. green zones to the east of Redlands Blvd, south of the 60 Freeway? 4
5. Can traffic regulations/enforcement of regulations keep trucks out of thoroughfares where residences are located, i.e. Cactus from Heacock to Lasselle, and or Alessandro from Frederick to Lasselle, and or Nason Street from the 60 Freeway south, and or Moreno Beach from the 60 Freeway south, and or off Ironwood, or Redlands Blvd through to Redlands? 5
6. I understand the developer and his investors are supplying most of the capitol for the WLC development, but how much will the city have to kick in to fill the basic infrastructure for the WLC?... How much money will the city have to kick in to maintain the WLC per year? How much additional city wide road repair, enforcement costs, and other costs will be incurred annually? Where will that funding come from? As I understand there will be no sales tax generated from the warehousing... How will the city recover costs involved with the creating and maintaining the WLC? 6
7. Are there any plans/contingencies for rail access to the WLC? 7

Thank you for your time. Is there some where these questions can be posted when answered, or have these been answered already? I would be interested in reading other people's comments/questions.

8

I would prefer some other job creating enterprise other than warehousing, but I understand the limitations of government in obtaining those possibilities. Neither for or against the WLC yet...

9

Perry Johnson
11056 Aldren Court
Moreno Valley, CA 92555

cc: tomo@moval.org <tomo@moval.org>

RESPONSES TO LETTER G-2

Perry Johnson

Response to Comment G-2-1. The commenter would like to know the life expectancy of the World Logistics Center (WLC) and if there any plans beyond the life expectancy of the WLC for the same area. The proposed project does not have a specified “life expectancy.” The proposed zoning and uses of the site would remain until future action by the City modifies them. For the purposes of the EIR, analyses were conducted through 2035, with additional analyses for health risk looking at 30-year horizons in line with Current OEHHA Guidance.

Response to Comment G-2-2. The commenter is asking whether there are any checks and balances as to what companies can locate into the WLC. Companies operating at the WLC will be subject to all the conditions and mitigation measures contained in the Final Environmental Impact Report (FEIR), the World Logistics Center Specific Plan (WLCSP), and subject to the conditions of the proposed Property Owners Association of the WLC. In addition to complying will these requirements, prospective tenants would need to negotiate with property owners with regard to the terms of a property agreement.

Response to Comment G-2-3. The commenter is asking how the widening of the Panama Canal will affect the U.S. West Coast Logistics market. The widening of the Panama Canal is not expected to impact the overall logistics market. Southern California Association of Governments’ (SCAG) June 2010 report, *Industrial Space in Southern California*, estimates that by 2035 there will be a shortage of 228 million square feet of warehouse space in Southern California. As Southern California’s population and economy continue to grow, it is expected that there will be increasing demand for goods movement and logistics services. As a result, expected growth and the best available studies indicate there will be strong demand for warehousing in Southern California well into the future (Please refer to Response to Comment G-53-5 for more information on the Panama Canal).

Response to Comment G-2-4. The commenter is asking whether mitigating factors have been considered to segregate the WLC away from existing housing developments, i.e. green zones to the east of Redlands Blvd, south of the SR-60. A number of design features have been incorporated into the design of the WLC to reduce its impacts on the surrounding communities. Those features include prohibiting truck access to Redlands Boulevard, south of Eucalyptus, and between the WLC and Cactus and Alessandro. This would eliminate truck trips through community areas. Additionally, the WLC will have a 250-foot buffer at the project boundaries and 150-foot building setback. This means that all buildings will be a minimum of 400 feet from the project boundaries. Landscaping will also create a visual screen between the WLC and adjacent communities to reduce the visibility of the proposed warehouse structures and improving aesthetics.

Response to Comment G-2-5. The commenter is asking whether traffic regulations/enforcement of regulations keep trucks out of thoroughfares where residences are located, i.e. Cactus from Heacock to Lasselle, and or Alessandro from Frederick to Lasselle, and or Nason Street from the 60 Freeway south, and or Moreno Beach from the SR-60 south, and or off Ironwood, or Redlands Blvd through to Redlands. Cities and counties in California have the authority to adopt codes that restrict the use of trucks on public roadways, though not all jurisdictions choose to do so. The figure below shows the designated truck routes in the vicinity of the WLC. The Cities of Moreno Valley and Perris have designated specific routes while the County of Riverside does not (i.e. trucks may use any County road, though truck parking restrictions may apply).

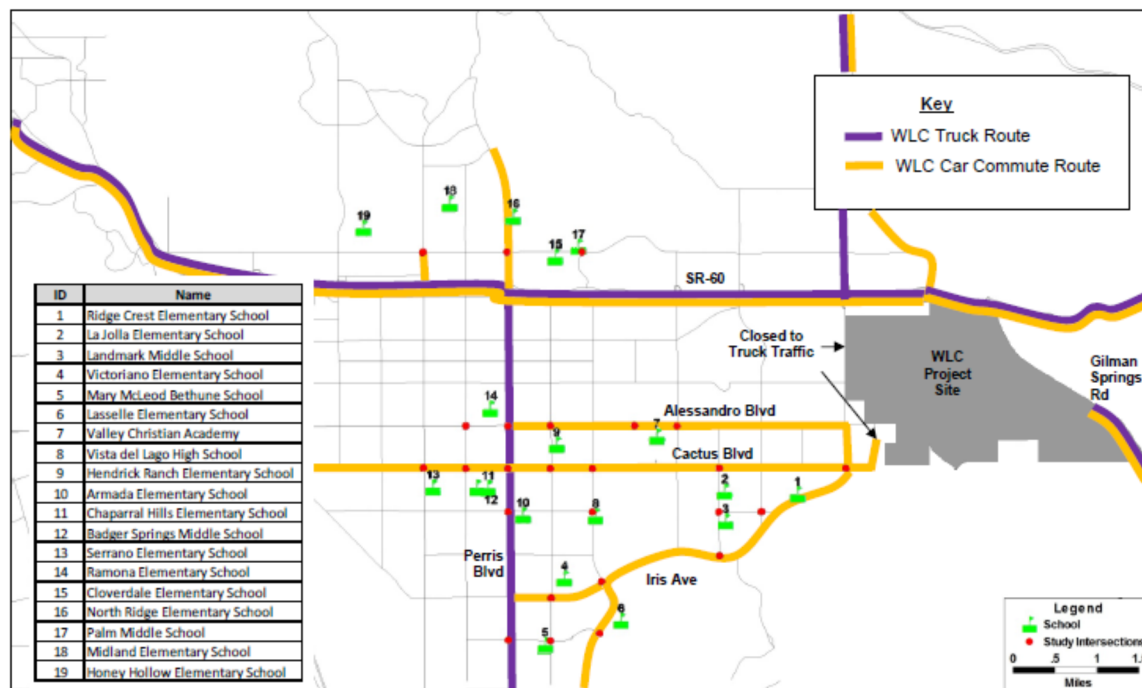
However, truck access to Cactus, Alessandro, and Redlands (south of Eucalyptus) will be prohibited as part of the project. As a result, the WLC Truck Routes will be SR-60, Redlands (north of Eucalyptus), Perris Boulevard, and Gilman Springs Road, as shown in Exhibit G-2-1 below.

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

Exhibit g-2-1: Routes Taken by WLC Trips in relation to Schools



Response to Comment G-2-6. The David Taussig & Associates report estimates that the proposed project would generate \$5.7 million in additional local government revenue, including fees that would provide funding to the general fund, fire/police services, and Moreno Valley School District (Final Environmental Impact Report (FEIR) Volume Appendix O-1).

Any commitments to cost participation by the City are identified in the projects development agreement. The Fiscal and Economic Impact Study (Appendix O of the Draft Environmental Impact Report (DEIR)) analyses recurring fiscal costs to the City in Section 3 of the report with the results summarized in Table 3B. These additional costs will be offset by project tax revenues. A detailed analysis of the project tax revenues are also provided in Section 3 of the study with results being summarized in Table 3A. The overall net fiscal impact to the City of Moreno Valley showing an annual recurring surplus of 5.7 million dollars is summarized in Table 3C. Overall, the proposed project would boost the financial position of the City.

Response to Comment G-2-7. Rail was not considered a viable component of the proposed project for number of reasons. In response to this comment and other similar comments, a detailed response regarding the infeasibility of rail serving the WLC site is now included in the revised Traffic Impact Analysis (TIA) as Section 4.F. Also, refer to Responses to Comments G-53-4 and G-70-5.

Response to Comment G-2-8. All comments received and the responses to those comments are contained in this FEIR, available on the City of Moreno Valley's website.

Response to Comment G-2-9. The existing land use under the Moreno Highlands Specific Plan (MHSP) called for the development of other types of commercial uses. However, the MHSP had two serious weaknesses. The first is the Southern California Association of Governments (SCAG) region has had an over-abundance of land designated for business park uses, which means only the most attractive locations are likely to be developed. Since the MHSP was adopted, most business park development has taken place in the coastal counties rather than in the Inland Empire. Within Moreno

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Valley, sites at the eastern end of the city have been less successful in attracting business park uses than sites at the western end, which are closer to March Air Reserve Base and the I-215. Therefore, despite being designated for business park development for the last 20 years, no such development actually occurred in the MHSP, and there is currently strong demand for warehousing in Southern California.

Letter G-3: Scott Thompson (email) (March 25, 2013)

From: Scott Thompson [<mailto:scott028@ca.rr.com>]

Sent: Wednesday, February 27, 2013 10:47 PM

To: MV Econ Dev Community Forum

Subject: FW: Tonight's Forum

Dear Leader's of Our Community,

Thank you for putting on the forum in regards to the WLC.

I was taken by the motto "Moreno Valley the best place to do business". I was hoping that it would be "the best place to live". It appears that we might be going from bad to worse. Tonight made me realize that I have an uphill battle to face. I live on the corner of Dracaea and Redlands, directly adjacent from where the WLC may be built.

We were hesitant to move to Moreno Valley, because of its, well known, bad reputation. We found a nice quiet area to live on the east end of town, as I commute the Coachella Valley for my job. We would have never moved to the east end of town or perhaps this community if it was planning on building 40,000,000 sq ft of warehouses there. Most people in my neighborhood pay over \$7000 a year in property tax. I don't suppose there are too many communities contributing as much as ours. Rancho Belago has some of the nicest

1

communities in Moreno Valley. Why would you want to ruin it by building huge warehouses here?

It was very apparent tonight that the mayor, council and staff are onboard with the plan, even after the DEIR. We live in a community where a very high percentage of our community doesn't have a higher education and or doesn't care about city politics. In the last election less than 5% of the residents voted for the open 5th district council seat. This was apparent again tonight by the low number of people and the lack of diversity in attendance. This community is relying on you to make the best decisions for them. I don't believe this city's leadership is qualified to make this big of a decision that will affect this community for years. Most Council Members and perhaps even the staff do not have the appropriate type of education or the background to comprehend the impact of such a major project.

I have only read a few hundred pages of the DEIR, but it was enough for me to realize that this project is not for this community and perhaps even the county. I realize I have a vested interest in how this turns out because of the proximity of my house to the WLC location. This was a night for the facts to be presented and instead we were given a sales pitch. We even had to be reminded by the mayor of the qualifications of the consultants and that they were a third party group. It appeared to be a justification of sorts.

I lost interest the minute I was told that the CEQA is self governed by the lead agency, our city leadership. When the leadership is on board with the WLC then what kind of results can we expect? Let's be real. There is plenty in the DEIR that should convince us that this is not the best thing for our city. Jobs are important but as was stated over and over, quality of life is what we are really after. I know the people on the east end of town will be negatively impacted, "significantly" as the DEIR states. These are the same households that pay the highest tax rates in Moreno Valley.

The economic impact report was a joke. I work for a large medical device manufacturer. I manage and hire warehouse people for a living. None of the warehouse personnel make \$40K per year, which was the amount used in the report. Most make between \$9-\$12 per hour and about one half are temporary. The technicians that manufacture and repair the medical devices only make \$15-\$18 per hour. I challenge the reports numbers. Are they comparable to what Harbor Freight and Walgreens pay? Also, the volume of jobs is suspect. That is based upon all buildings being occupied at one time. Do you really believe all 41,000,000 sqft. will be occupied at one time and if so by when? Will some not falter and new tenants need to be found? It would be interesting to see how Mira Loma is doing compared to their plan. If this information was available, it should have been shared. It just showed that real numbers were not used. A picture was painted to produce the desired results. There was no talk of initial capital outlay that we will need to support the 50K plus jobs that it will take to build these buildings. Why wasn't this mentioned in the economic report? The report only focused on revenue and should have included potential expenditures as well. This would have provided a complete picture of what we are facing.

We should be comparing what 7800 homes would bring to the community verses the WLC. We should review the potential revenue that those households would spend locally. Then compare that to the cost of building sound walls and road improvements to accommodate

the truck traffic and mitigate the noise of trucks running through our streets.. The communities that are thriving generally operate on a slow, smart growth model. See Santa Clarita compared to us. Since quality of life is really important to you and our citizens then why not look to the communities that have it and model after them.

3

If most of the jobs were going to be filled by Moreno Valley residents, as was suggested, how will our streets be able to handle the additional traffic? Workers from other communities will also put additional traffic on Hwy 60 and our city streets. Traffic already comes out as far east as Perris Blvd on the 60 during commute times. Lights have been installed on the freeway entrances to help mitigate the traffic. According to the DEIR, we will experience additional traffic almost immediately. How much further east will the traffic go, once the project starts? If anyone has driven on freeways for any length of time, they would know that replacing car traffic with truck traffic will be a disaster. Try driving through the badlands or any area when the truck traffic is heavy. I couldn't believe a reputable consultant would make such a statement.

4

We already live in an area with severe pollution levels. The DEIR indicates it will only get worse, especially as they grade the land and then a few years later with the additional traffic. Sketchers already lights up the sky out here. I can't imagine what 40 more building like that will do. My backyard will be like a stadium all lit up.

5

There is plenty more to review and discuss as I continue to read the DEIR. I was very disappointed with the "show" tonight it was very one sided. Being told that we would have to go into litigation if we wanted to fight it only made matters worse. I felt like those of us opposing were being challenged to try and stop you. To have 60 days to read and respond to the over 10,000 page DEIR is a little much to ask. More time should be granted, especially with a decision of this magnitude. I hope you were serious about working with the community because if you are not Moreno Valley is in for a rude awakening.

6

Please feel free to contact me if you wish to discuss further.

Scott Thompson
13258 Canterbury Downs Way
Moreno Valley, CA 9255

RESPONSES TO LETTER G-3

Scott Thompson

Response to Comment G-3-1. The City Council will consider all stated opinions and comments on the project and Environmental Impact Report (EIR) prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Attached to this Final Environmental Impact Report (FEIR) as Appendix O-4 is a presentation done by Beacon Economics that reflects their independent Economic Impact Analysis of the WLC. This study was commissioned separately from the David Taussig & Associates (DTA) study 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.

Response to Comment G-3-2. The commenter’s February 27, 2013 email challenges the wage data used within the DEIR as well as other questions related to the study. The letter provides anecdotal information regarding the author’s personal experience with warehouse workers. The DEIR analysis relies exclusively upon governmental sources (i.e. Bureau of Labor Statistics, Employment Development Department and the Census Bureau) for the applicable wage data within the warehousing and logistics sector. Importantly, these numbers have been compiled from data sources within the County and Metropolitan Statistical Areas pertinent to the WLC, as explained in detail in the Responses to Comment G-90-1 and G-90-2. A wide variety of firms locate within a logistics facility such as WLC, and there are a range of employees who will be working there. Some will be characterized by lower incomes as cited by the author of this letter, while others will be more skilled, or involved in trucking or some other higher paid occupation. In terms of initial capital investment, there is no question that the Applicant will be investing significant amounts of capital funding into the project, both to build private structure and to finance the public infrastructure required by the City before the construction of WLC can begin. Neither the amount of the investment nor how it will be obtained are California Environmental Quality Act (CEQA) issues.

Response to Comment G-3-3. The DEIR did examine the potential impacts of developing the approved Moreno Highlands Specific Plan (a residential master-planned community) on the site rather than the proposed project. This is equivalent to the “7,800 homes” alternative stated by the commenter. Section 6.3.5, *No Project-Existing General Plan Alternative*, of the DEIR determined impacts of this alternative compared to the proposed WLC project were as follows:

“... short-term construction-related air quality would be similar to the proposed project as the same amount of land would be disturbed and the same mix of equipment would be utilized. Long-term operational-related air quality impacts would be reduced from that identified for the proposed project but would remain significant and unavoidable. Under this alternative, population and housing impacts would be greater in magnitude as residential uses are proposed. Similar to the proposed project, the associated increases in employment are accounted for in the City General Plan and other applicable local and regional plans.”

The development of the No Project/Existing General Plan Alternative would have increased demands on public services and recreation facilities due to the residential component and population growth. The payment of fees and adherence to development requirements would reduce these impacts to a less than significant level. Water supply availability is expected to be available although water demand is increased. Water demand was determined to be available for the proposed project. Because of the increase in vehicle trips achieved under this alternative, impacts to the operation of local roadways and intersections would be proportionally greater than what was identified for the proposed project; therefore, long-term traffic impacts would remain significant and unavoidable. Traffic-related noise would be greater in magnitude and noise impacts would be significant and unavoidable like the proposed project.

... Under this alternative, only some of the proposed project objectives would be met as a variety of uses would be built.... Development of this alternative would provide new employment opportunities for residents of Moreno Valley but not nearly to the degree as the proposed project.” (DEIR pages 6.15 – 6.22)

An evaluation of economic impacts, while something to be considered by the City Council, is not required of the CEQA process (State CEQA Guidelines Section 15131).

Response to Comment G-3-4. The commenter asks how SR-60 and city streets will handle traffic from workers from Moreno Valley as well as other communities. The commenter states the DEIR indicates the City will experience additional traffic almost immediately. He states replacing car traffic with truck traffic would be a disaster.

The impact of project traffic on city streets have been fully analyzed in the Traffic Impact Analysis (TIA) (see FEIR Volume 2 Appendix L-1), and the measures needed to mitigate these impacts have been described in the report.

The commenter's statement that impacts would occur almost immediately appears to be a misunderstanding concerning the Existing Plus Project scenario in the TIA. That scenario is an analytical tool designed to assign responsibility for mitigation improvements and does not represent an actual proposed plan. The project would be built out over a period of years and as each building is completed an additional traffic study would be conducted to identify which of the identified improvements are triggered by each successive building. Thus, road improvements would stay in step with project development and its generation of traffic.

The TIA does not say car traffic would be replaced with truck traffic. The TIA analysis found car traffic would be reduced at some locations and truck traffic would increase at some locations, which is fully accounted for in the LOS analysis. The difference in the driving characteristics of trucks and cars were accounted for using Passenger Car Equivalent (PCE) factors which vary depending on the type of terrain and design speed of the road. These characteristics were fully accounted for in the analysis using PCE factors approved by Caltrans (see TIA Chapter 2, Section A, sub-section entitled “Passenger Car Equivalents”).

Response to Comment G-3-5. None of the comments apply to the EIR analysis or conclusions, but are personal observations about the project and project review process. The DEIR concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project, if it decides to approve the project.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-3-6. The commenter asked for more time to review the EIR documents and make comments. The City granted a 60-day EIR review period, instead of the customary 45-days, that began on February 5, 2013 and ended on April 8, 2013, but has been accepting “late” comments submitted by several individuals and the City of Redlands since that time. It appears to be sufficient time for all parties to have reviewed and commented on the EIR.

Response to Comment G-3-7. As much as possible, real numbers were used, despite the fact that specific facility operators generally do not reveal their operating conditions or personnel information, actual industry information is used when it is available.

Response to Comment G-3-8. The commenter is referred to Exhibit A-9 of the fiscal component in the Beacon economic study (Appendix O-4 of FEIR Volume 2) that outlines approximately \$1.8M in annual/recurring operation and maintenance costs to support the WLC. For a discussion of one-time fees and charges, please see the text of the Beacon study (Appendix O-4 of FEIR Volume 2). Specifically, the capital outlays will be offset by the tens of millions in development impact and permitting fees that will be paid by future development within the WLC Specific Plan area.

Letter G-4A: Devlin Engineering (March 21, 2013)

March 21, 2013

Mr. John C. Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: Objections and comments regarding drainage impacts of the World Logistics Center (WLC) that should be, but are not addressed in the Draft EIR (SCH #2012021045) and conditions for the project regarding drainage onsite and downstream. Planning Cases PA 12-0011, 0012, 0013, and 0015.

Dear John,

The World Logistics Center will have many more impervious surfaces than the residential uses that were part of the existing general plan for this area. As a result, it will greatly increase the size of the drainage facilities that will be required downstream if World Logistics Center does not provide adequate drainage basins onsite. The increased runoff will greatly affect the size of the drainage facilities in this area. Therefore, a portion of the Draft EIR (DEIR) should discuss the impacts on drainage on adjacent properties and all downstream projects and drainage facilities.

The Draft EIR should also discuss the affect of changes to the existing drainage basins brought about by the World Logistics Center. As one example, the World Logistics Center will grade out the existing 30+ acre drainage basin located at the Northeast corner of Alessandro Blvd and Merwin Street. The City of Moreno Valley has asked that County of Riverside Flood Control move the drainage basin to properties located at the Northeast corner of Wilmot Street and Cactus Ave. This location is on property owned y Multivac Inc., my client. This location is also shown on the revised Moreno Master Drainage Plan as the Cactus Basin. Riverside County Flood Control is presently preparing a Draft EIR for the revisions to the Moreno Master Drainage Plan.

Wrongfully, the World Logistics Center DEIR has utilized a proposed change to the Moreno Master Drainage Plan as if it has been passed and accepted by the Riverside County Board of Supervisors. It also utilizes this change to the Master Drainage Plan to avoid discussing these changes as an effect of their development. Of particular note this preliminary drainage plan shows a 30 acre debris basin relocated from the Northeast corner of Alessandro Blvd and Merwin Street to the Cactus Basin location, which is on Multivac Inc.'s, property. No mention of the relocation of this drainage basin is mentioned in the Draft EIR for World Logistics Center nor is it mentioned in any of the appendices. There are five such drainage basins shown relocated on

revised Moreno Master Drainage Plan. Are the locations of all five of the basins designated in the revised Moreno Master Drainage Plan actually the relocation of existing basins caused by construction of the World Logistics Center project?

I was told by City Engineering staff that the location of the Cactus Basin on the revised Moreno Master Drainage Plan is merely conceptual and would vary in location. I was also told that the City of Moreno Valley had no intention of taking Multivac's property without due compensation.

In talking with Kris Flanagan of Riverside County Flood Control I was told the same thing, that the input for the basin locations came from the City of Moreno Valley and the intent was that unlike pipelines, channels and box structures, these basins were located only conceptually and the text of the DEIR for the basin would reflect this. Kris advised me that the actual location would be wherever the City and Flood Control could purchase the appropriate land for the basin. However, I disagree, because in reality, engineers always fight over which side of the street a pipe is shown or on which portion of which particular property the drainage structure is shown. The Drainage Basins proposed as part of the revised Moreno Master Drainage Plan are no different. In fact the fighting has already begun. WLC is utilizing the proposed Moreno MDP as if it has already been passed. Therefore, they are not addressing the impact of their grading out the existing basins and requiring others to provide property for these basins.

The staff of the City of Moreno Valley and the County of Riverside Flood Control seem to have made an error and allowed CEQA to be by-passed by WLC. As to my clients property, they have ignored the most feasible sites for the Cactus Drainage Basin. World Logistics Center is a very large project covering over 3,900 acres. It makes more sense that the location for such a drainage basin be on WLC property. The WLC would get credits against its drainage fees and should be in a position to build and provide the facilities for the drainage basin during its grading operations. It is only appropriate that if World Logistics Center is allowed to grade out the existing 30+ acre basin, it provide the area for a new 30+ acre basin on its property east of Merwin Street at Brodiaea Ave or leave it in the existing location.

Additionally, WLC construction could precede all development in the area, making the basin functional from the beginning of any development. For the WLC sites to be left out in the discussions for the location and the feasibility of the Cactus Basin is to ignore the best possible site for such a basin. If the CEQA process continues without a discussion of the WLC site as a possible location of the Cactus Basin, as well as leaving the basin in its present location at Alessandro Boulevard all owners downstream of the intersection of Brodiaea Ave and Merwin Street will be detrimentally affected to the great benefit of World Logistics Center.

We do not feel that the City is or should be biased toward the WLC project. Therefore, the DEIR for World Logistics Center should include discussion of the existing location and the WLC property located adjacent and east of Merwin Street as possible locations for the Cactus Basin. If this basin is sized correctly, it would mitigate all increased runoff from the World Logistics Center property and keep all downstream drainage facilities the same size as indicated on the present Moreno Area Drainage Plan. To not discuss this area as a possible location of such a basin is to require larger drainage facilities and loss of property by smaller property owners downstream of WLC. To not discuss leaving the Cactus drainage basin and the other drainage

basins in their present location and any other location on the WLC property is also in our opinion, a violation of the CEQA requirements to discuss all effects of the proposed development. We think the other four drainage basins as shown on the revised Moreno Master Drainage Plan also need to be discussed.

We think this process of putting the relocation of drainage basins on the revised Moreno Master Drainage Plan also violates due process by inadequately informing property owners of the effect to their lands. The initial meeting to kick off the revised Master Drainage Plan was noticed in some local newspaper, which few land owners read. As a result there was little to no public turn out or input at the meeting. My clients object to this lack of notice. If we hadn't seen a copy of the revised MMDP in the appendices of WLC's DEIR we would not have known about the deleterious affect on the Multivac Inc. property. To this day, we have not received written notice of the proposed changes to the Moreno Master Drainage Plan. **We feel it is inappropriate to utilize the revision to the Moreno Master Drainage Plan as a vehicle to move drainage basins onto other people's lands without proper notification.**

Additionally, there is at this time, no mention in the DEIR for the World Logistics Center of a double 10 by 10 reinforced concrete box structure crossing Merwin Street north of Brodiaea as shown on the existing Moreno Master Drainage Plan. There is also a double 10 by 10 box culvert required in the existing MMDP crossing Alessandro Boulevard at Merwin Street that is not discussed. These items are shown on the present Moreno Area Drainage Plan and are facilities that would be the responsibility of World Logistics Center. Accordingly, the DEIR should discuss the requirement that World Logistics Center construct all facilities shown on the existing Moreno Master Drainage Plan.

We ask that all of the above drainage impacts be made a part of the DEIR text and discussions. We also ask that the following requirements be made a condition on the development of the World Logistics Center:

- 1. All runoff leaving World Logistics Center shall be designed to match the existing Moreno Master Area Drainage Plan of this area. There should be no increases in runoff from this property that could affect any downstream properties or require downstream properties to install increased or larger drainage facilities.**
- 2. World Logistics Center must be conditioned to construct all new drainage basins within their property and to replace all basins they are removing by construction of their project.**
- 3. WLC must be conditioned to replace the 30+ acre Cactus Basin on their property.**

My client, Multivac Inc. is very concerned not only about the taking of their property, but about the affect of increased runoff on its properties downstream of WLC and asks that the City be fair and impartial when locating drainage facilities. We are afraid that some bias or favoritism may enter the system as World Logistics Center is a project favored by the City Council.

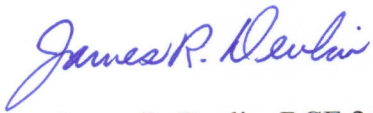
Thank you for your consideration of this matter we look forward to the discussions to follow that will be part of the EIR process.

Attached and made a part hereof, please see a letter addressed to Riverside County Flood Control objecting to the process used to develop the revised Moreno Master Drainage Plan and the notifications to property owners.

Thank you.

Sincerely,

Devlin Engineering



James R. Devlin, RCE 24655

Contact information:

James Devlin
Devlin Engineering
1120 Pepper Drive, #32
El Cajon, CA 92021
Tel. (619) 966-9589
Cell (858) 442-9549

Attachment: Letter to RCFCFCD

cc: C. Moothart, Multivac

RESPONSES TO LETTER G-4A

Devlin Engineering

Response to Comment G-4A-1. The World Logistics Center Specific Plan (WLCSP) Draft Environmental Impact Report (DEIR) does discuss the impacts on drainage facilities in Section 4.9.6.1, Drainage Pattern and Capacity Related Impacts. In response to comments additional detail has been provided as outlined in *Appendix J-1 Hydrology and Water Quality Master Plan of Drainage Report*. The mitigation of impacts of the facilities are discussed in *Section 4, Mitigation of Impacts of Proposed Development*. Key elements are summarized in the Responses to Comments B-3-37 and B-3-39 in Letter B-3 from the California Department of Fish and Game, including changes to mitigation measures.

Response to Comment G-4A-2. There are no changes to existing Riverside County Flood Control and Water Conservation District (RCFC&WCD) basins brought about by the WLC project. There is no existing 30+ acre drainage basin at the Northeast corner of Alessandro Blvd and Merwin Street. There is a 4-foot high berm that was constructed by the property owner to prevent sediment-laden flows from sheet-flowing across Merwin Street and Alessandro Blvd. This berm is not a drainage basin. The Cactus Basin shown on the proposed revisions to the Moreno Master Drainage Plan (MMDP) is not a relocation of an existing basin. It is a new basin proposed by RCFC&WCD as part of their revisions to the MMDP.

Response to Comment G-4A-3. The revision to the MMDP by the RCFC&WCD is not being done as a result of or caused by the proposed WLC project. As discussed in Response to Comment G-4A-2 above, the proposed Cactus Basin is not a relocation of an existing basin. The locations of the proposed basins on the revised MMDP are not related to nor are they a result of the WLC project. The proposed WLC project will comply with the existing MMDP and is aware of the proposed revisions to the MMDP. Regardless of any changes to the MMDP ultimately approved by the County of Riverside, the proposed WLC will mitigate its runoff as outlined in Mitigation Measure (MM) 4.9.6.1A.

Response to Comment G-4A-4. As discussed in Response to Comment G-4A-2 there is no existing drainage basin at Merwin St. and Alessandro Blvd. and the proposed Cactus Basin by RCFC&WCD is not a result of the WLC project. Nor are any of the other basins proposed by RCFC&WCD revision to the MMDP a result of the WLC project. The effects of the proposed development are discussed in Section 4.9.6.1 of the DEIR and WLC is constructing 11 detention basins within the project to mitigate the project's runoff to predevelopment conditions as outlined in MM 4.9.6.1A.

Response to Comment G-4A-5. As shown on Figure 4.9.3 in the DEIR Line "A" is a proposed drainage system of the WLC project from Redlands Boulevard at the southerly end of the project to Eucalyptus Avenue at the northerly end. Line "A" is the same as Line "F" in the existing MMDP. The construction of Line "A" will include the construction of any necessary reinforced concrete box structures at the street crossings.

Response to Comment G-4A-6. The WLC is mitigating its runoff as outlined in MM 4.9.6.1A to match pre-development flows. The WLC project is not removing any existing drainage basins as part of the project but is constructing 11 detention basins within the project boundary. RCFC&WCD's proposed Cactus Basin as part of their revision to the MMDP is not related to nor affected by the WLC project, as such the WLC project is not required to replace it.

Response to Comment G-4A-7. The WLC is mitigating its runoff as outlined in MM 4.9.6.1A to match pre-development flows. The mitigation includes construction of detention basins within the project's boundary. The revision to the MMDP by the RCFC&WCD is not being done as a result of or

caused by the proposed WLC project. See separate response to the attachment in Response to Comments G-4B.

Letter G-4B: Devlin Engineering (March 21, 2013)

March 21, 2013

Mr. Kris Flanigan
Riverside County Flood Control
and Water Conservation District
1995 Market Street
Riverside, California 92501

Subject: Comments to be considered during the preparation of a DEIR for the Moreno Master Drainage Plan (MMDP) revision and the World Logistics Center (WLC) Draft EIR (SCH #2012021045).

Dear Kris,

My client, Multivac, Inc. objects to the process Flood Control has used to develop the proposed revision to the Moreno Master Drainage Plan (MMDP). My clients like so many other property owners did not receive any notification of the initial proceedings. We feel that notification of the Draft EIR review should be handled more appropriately with adequate notification given to each property owner that is affected by the project. Putting a notice in the paper and hoping that the thousands of affected property owners would get word is completely inadequate. This is particularly true of the Drainage Basins proposed on the revision to the Moreno Master Drainage Plan. In our phone conversation, you mentioned that there was a very low turnout at the kickoff meeting for this project. We believe this is a direct result of inadequate notification to the affected land owners.

We also feel Flood Control has located the drainage basins on the proposed master drainage study inappropriately. We have been told that the location of the basins is conceptual only and that the location could vary. However in the past, engineers and contractors have argued strongly on the location of the facilities as to what side of the street the line is drawn, and on what portion of what lot the facility was drawn. We feel the drainage basins will be no different. In fact, World Logistics Center, a 3,914 acre project abutting Merwin Street seems to have utilized your revised Moreno MDP plans as if it is already adopted and exempts its site from building the Cactus basin. Drawing these "conceptual" basins over one property versus another amounts to a taking of the land without compensation.

In regards to the Cactus Basin, it is our opinion that the city has requested this Basin location in order to facilitate the World Logistics Center project. The Cactus Basin is basically a relocation of a 30+ acre basin that exists at the Northeast Corner of Alessandro Blvd and Merwin Street. World Logistics Center will be grading over the existing basin

and as a result, the City needs to relocate this basin. This may be the reason the other four drainage basins have been requested on the revised MMDP. The Moreno Master Drainage Plan becomes a convenient instrument to accomplish these changes. World Logistics Center does not have to discuss the effects of grading out and moving the drainage basins. Notification to the public is limited and the World Logistics Center is not viewed as the bad guy nor is the City of Moreno Valley. Isn't this a violation of CEQA guidelines?

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There are several locations for the Cactus Basin. One location is for it to remain in its existing location at the Northeast corner of Alessandro and Merwin Street. A second location would be to relocate it south of Alessandro Blvd, but North of Brodiaea Ave, which would keep it on World Logistics Center property. A third alternative is to move it to the location suggested on the revision to the Moreno Master Plan of Drainage, which is an area bounded on the east by Redlands Blvd, on the west by Wilmot Street, on the south by Cactus Ave and on the north by Brodiaea Ave.

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In regards to the Cactus Basin placed as shown on the proposed MMDP, Flood Control has missed the most feasible, logical and reasonable location on the East side of Merwin Street at Brodiaea Ave. World Logistics Center has a 3,918 acre project along the east side of Merwin Street. They will be responsible for providing drainage fees to RCFCD for their 3,918 acres. They could gain credit toward these fees for design and building the Cactus basin within their project. In this way, the basin can be provided at the very beginning of the construction of World Logistics Center and would help mitigate their increased runoff from the impervious building and pavement they will be constructing.

5

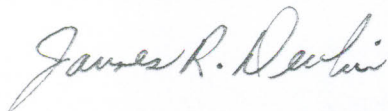
To leave this area out of the discussions for location of the Cactus drainage basin is to ignore the best possible site, one which is immediately accessible to build the facilities. Additionally, it would add greenbelt area to a project of warehouses that could blight the area indefinitely. Lastly, 30+ acres out of 3,918 or so would not have a significant effect on their project, unlike my clients property which will be taken completely if the revision to the Moreno Master Drainage Plan is approved.

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I am enclosing a copy of a letter to the City of Moreno Valley regarding the DEIR on World Logistics Center. It has bearing on the location of the Cactus drainage basin shown on the proposed revision to the MMDP and as attached is made a part of this letter.

Sincerely,

Devlin Engineering



James R. Devlin, RCE 24655

attachment: Letter to City of Moreno Valley
cc: C. Moothart, Multivac Inc.

RESPONSES TO LETTER G-4B

Devlin Engineering

Response to Comment G-4B-1. Riverside County Flood Control and Water Conservation District (RCFC&WCD) is responsible for the proposed revisions to the Moreno Master Drainage Plan (MMDP). The revision to the MMDP by the RCFC&WCD is not being done as a result of or caused by the proposed World Logistics Center (WLC) project. RCFC&WCD is responsible for noticing the public on that project.

Response to Comment G-4B-2. As discussed in Response to Comment G-4B-1, Riverside County Flood Control and Water Conservation District (RCFC&WCD) is responsible for the proposed revisions to the Moreno Master Drainage Plan (MMDP). The revision to the MMDP by the RCFC&WCD is not being done as a result of or caused by the proposed WLC project. The WLC is mitigating its runoff as outlined in Mitigation Measure (MM) 4.9.6.1A. RCFC&WCD's proposed location for the Cactus Basin as part of their revision to the MMDP is not related to nor affected by the WLC project.

Response to Comment G-4B-3. There are no changes to existing RCFC&WCD basins brought about by the WLC project. There is no existing 30+ acre drainage basin at the northeast corner of Alessandro Blvd and Merwin Street. There is a 4-foot high berm that was constructed by the property owner to prevent sediment-laden flows from sheet-flowing across Merwin Street and Alessandro Blvd. This berm is not a drainage basin. The Cactus Basin shown on the proposed revisions to the MMDP is not a relocation of an existing basin. It is a new basin proposed by RCFC&WCD as part of their revisions to the MMDP.

Response to Comment G-4B-4. RCFC&WCD's proposed location for the Cactus Basin as part of their revision to the MMDP is not related to nor affected by the WLC project. RCFC&WCD is responsible for evaluating potential locations of the proposed basin.

Response to Comment G-4B-5. See Response to Comment G-4B-4.

Response to Comment G-4B-6. See Response to Comment G-4B-4.

Letter G-5: Devlin Engineering (March 25, 2013) and Appendix 1 (on Flash Drive)

March 25, 2013

Mr. John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: Lack of Aesthetics and buffering by World Logistics Center, and an Alternative to Street D on WLC plans affecting Draft EIR (SCH #2012021045) and Planning Cases PA 12-0011, 0012, 0013, and 0015.

Dear John,

One year ago, I wrote a letter to you on behalf of my clients Multivac Inc., requesting reasonable conditions or inclusions to the World Logistics Center project. In this letter we asked that the project be planned or conditioned to provide buffers against noise, lights, building heights, truck traffic, architecture and land uses to protect adjoining residential neighborhoods. Additionally, up until the end of January of this year we were told by staff and by representatives of World Logistics Center that there were no drawings to review. Now after the Draft EIR is out for public review with only a two month window, maps and exhibits magically appear. The dates on the exhibits indicate that the drawings were available and probably reviewable a whole lot sooner. And, after reviewing the exhibits provided with the Draft EIR for World Logistics, it is apparent that the suggestions in my letter dated March 15, 2012 were ignored.

1

Truck Traffic - Location of Street "D"

World Logistics Center is proposing that Merwin Street, labeled Street D on their plans, be modified to a 112 foot Major Arterial from Alessandro to Cactus. This is not right. This is presently a residential neighborhood. Now, it will be very negatively impacted by an industrial park with no concerns for the citizens that already own homes here. Homes along Cactus Ave and homes along Merwin Street will all be negatively affected. WLC's Street D should have been located another 500 to 1,000 feet east to enter WLC's development where the water tanks meet Cactus Ave. The grades still work to make an intersection and the noise from trucks starting and stopping at an intersection will not affect existing and proposed home owners. Merwin Street should be left alone as a local collector for a residential neighborhood.

2

Noise

If Street D is relocated East 500 to 1000 feet, noise will be mostly eliminated as an issue. The plan as presently proposed with the placement of Street D over Merwin Street is not a good idea. The residences along Merwin and Cactus will be overwhelmed by truck and traffic noise. Traffic lights will be required at the Cactus and Merwin intersection and again at the Merwin and Alessandro intersection. These will magnify truck noise as starting and stopping trucks will create havoc. Please look at moving Street D, as it is shown on WLC's plans, 500 to 1000 feet east to intersect Cactus Ave inside the WLC project. Leave Merwin street as a residential collector for which truck traffic is not appropriate. An alternative and perhaps a better solution might be to close off Merwin Street between 300 feet south of Alessandro Blvd and 800 feet north of Cactus Ave and reroute and extend Cactus Ave as Street D into WLC. See below and on the attached Exhibit A for a description of the benefits of closing part of Merwin Street and part of Brodiaea Ave.

-3

Landscape Buffers

Originally, I thought that the building heights projected for World Logistics Center would be reasonable. In my letter I proposed landscaping setbacks of 20 feet or so. As the World Logistics Center is proposed, 100 feet may be more workable. These buildings will tower over the existing proposed residential uses along Merwin Street. On one of the proposed exhibits for building heights the designation along Merwin Street is for 60 foot tall buildings. Buildings 60 feet tall next to 28 foot high residential buildings is not a buffering use. This is placing overwhelming structures next to residential neighborhoods. And it is highly likely that these buildings will be placed right up against any fencing they are required to build. It will look like the industrial buildings along Newhope Street, just west of City Hall, where the view from any point is just overwhelming buildings with little aesthetic presence or pleasing appearance.

-4

Architecture

Unless some architecturally pleasing elements are added to the sides and rears of the proposed warehouses, World Logistics will become the next major blight on Riverside County. Have any of staff or the City Council driven the area of warehouses near Nandina Street and Perris Ave or the warehouses along Cactus Ave east of Frederick Ave? These are stark neighborhoods except for the frontage of the buildings. These rear and side views are what the majority of residential properties will see from their homes adjacent to the World Logistics Center. Relief has to be provided along the sides and rear of these buildings to make them more aesthetically pleasing to existing and proposed residential uses.

-5

Lights

Warehouse districts have lights, lots of lights. World Logistics Center will be no different. At the western edge of the property the buildings are proposed to be 60 feet in height. Lights placed 60 feet above the ground will be seen completely across the valley. Light placement on the buildings must be placed at a level of no more than 25 feet above the ground with cutoff luminaires. They must not be comprised of high density light such as mercury vapor lamps or

-6

halogen lamps. The lamps must be low pressure sodium or equivalent lamps with cutoff luminaires. If the 60 foot high buildings are on graded lots that have been raised 10 feet or more off the ground, then the lights must be lowered to 20 feet off the ground and have shrouds that cutoff or limit the distance at which the direct rays from the lamps can be seen.

6

Traffic Lights

Because of the large street section World Logistics Center is proposing for Merwin Street, two Traffic Lights will be required, one at the Intersection with Cactus Street at one end and one at Alessandro Blvd on the other end. These traffic lights will shine into the homes of residences nearby. Trucks and cars will have to stop at all hours of the day and night causing a lot of noise to be generated where presently there is only silence. The existing residences should be protected from the lights and noise generated by WLC, especially on a major arterial that was never supposed to be near this neighborhood. Taking Street D and making it a continuation of Cactus into the WLC development would eliminate both Traffic lights. See below for a description of eliminating Street D and making it an extension of Cactus Ave.

7

Residential Land Uses

We do not feel that the City of Moreno Valley is doing enough to protect the existing, home owners and proposed residential land uses from the massive impacts of World Logistics Center. We have never been against any project in this area if proper respect for existing land uses and residences are provided in the project design. World Logistics Center is different. It is more massive than any project proposed before. There are no buffering land uses, nor any residential or mixed use sites to buffer the massive monoliths that will be warehouses. We don't feel proper planning has gone into this project. With just a modicum of buffering this project would probably not be noticed from adjacent residential along Merwin Street and Cactus Ave. However, The designers have chosen to maximize their yield to the detriment of these neighborhoods and staff needs to make sure this is changed.

8

Alternative A, Closing Merwin and Brodiaea, rerouting Cactus Ave as Street D into WLC

One alternative not considered by WLC will eliminate most of the complaints in this letter. It will also save a lot of money and difficulty in engineering the hydraulics of WLC as well as adjacent properties. As shown on Exhibit A to this letter, if Merwin Street is closed off a couple of hundred feet south of Alessandro, the right of way can be utilized as a green belt buffer for WLC to be added on to a 20 to 40 foot buffer that WLC would be required to place their buildings from the western property boundary. This also eliminates the traffic light at Alessandro Blvd. and Merwin Street.

9

Closing Merwin Street 800 feet north of Cactus will provide the same benefits as the above closure, eliminating a second traffic light and providing a landscape buffer between WLC and the proposed residential uses on the East side of Merwin. My client's property along the west side of Merwin Street presently utilizes Merwin Street as a secondary access. However, we would gladly give up the rights to have an open intersection and street light at Cactus Ave and

Merwin Street. We probably won't need to utilize more than a half street plus 12 feet for our entry. We may need the right to have a left turn pocket into our development, but we won't be providing enough traffic to justify a street light.

Extending and realigning Cactus Ave as Street D on the WLC plan, as shown on Exhibit A to this letter, will allow the existing portion of Cactus to intersect with Merwin Street, a 56 foot wide street, with "T" intersection. This would provide a buffer to the existing residential uses along Cactus Ave east of Merwin Street. This will also eliminate all noise impacts of a major intersection. It will save the light problems associated with a lighted intersection. Additionally, this alternative also saves WLC from providing land and constructing a Major Arterial that was proposed to be their D Street although some of it will be given back by extending Cactus into their development.

Closing Brodiaea from Redlands Ave to Merwin Street would provide additional savings. It will allow Line F on the MMDP to be located completely in green belt, drainage basins or drainage channels eliminating two RCB drainage structures, one, crossing Brodiaea Ave. and a second RCB crossing Merwin Street. It also eliminates the need to relocate the drainage basin all the way to Cactus Ave and purchasing land for the drainage basin. This alternative may allow the existing channel elevations to be kept for drainage along this reach of the Line F channel eliminating the need to relocate a 30 inch High Pressure Gas Main owned by Southern California Gas Company, a possible \$200,000 expense.

Savings to WLC

By not constructing two Street lights, two RCB structures, relocating a 30 inch gas main, construction and construction of Street D, Alternate A will provide needed relief and buffering for the existing residential neighborhoods. Additionally, it will save over \$700,000 in drainage and traffic fees that would have been used for construction of the improvements. It would mean that drainage fees paid by WLC and other developers would be available to the City to build other facilities that are much needed.

We think the whole process for World Logistics Center may be blinding the City of Moreno Valley. By rallying around the need for jobs and virtually chanting "Jobs, Jobs, Jobs", at the meetings in favor of the World Logistics Center, the eyes of the City are being closed to the massive impacts of their development. Indeed, a City Director at the last public meeting was using the chant to promote the project. The possibility of creating 15,000 new jobs seems to have the whole City salivating heavily. The \$15 Billion in revenue touted by the City at the last public meeting also fed into this frenzy. In the end, the reality is that much of the touted benefits may not appear.

Has anyone gone to the Ontario Airport vicinity to see how these industrial parks appear after they are completed? Or, closer to home, take a look at the industrial buildings just a short distance west of City Hall along Newhope Street and North of Cactus Avenue across from the March Air Force Base or the Buildings in south Moreno Valley along Nandina Street and Indian Street. One can even look at the warehouse developments along Cactus Ave east of Frederick

Ave. The entrance areas may look interesting because of the paint schemes and building setbacks to Cactus Ave. However the look from the sides and rear of the buildings is much different. When one takes a look at the sides and rear of these buildings and fenced yards, they are stark, uninteresting and clearly a view one does not want to look at daily. From these angles, warehouse projects are not beautiful developments. They are stark neighborhoods. Many times, security lights shine brightly in all directions blinding anyone nearby. If cities allow these developments, they should take proper precautions and buffer adjacent residential areas from any and all excessive impacts caused by these developments. Too often, these projects are blights which are noticeable for decades after they are built. The neighborhoods are detrimentally affected for years and years to come.

11

Please make sure that The WLC project does not become the bad neighbor it seems to be. Only the City and its staff stand between this project and the existing land owners and residential homes that exist in this area. Only you have the power and standing to protect these neighborhoods from the excessive demands of a project this size. Please review the suggestions made in this letter and require changes to the plans for the World Logistics Center.

12

My clients and I feel the tremendous heat and pressure of being forgotten in the stampede to approve a project making such magnificent claims of benefitting the City. Soon the existing residences along Cactus Ave and Merwin Street will too. Please help us protect our interests and the interests of the existing home owners. Make sure there is adequate buffering as we suggest in this letter.

Sincerely,

Originals signed

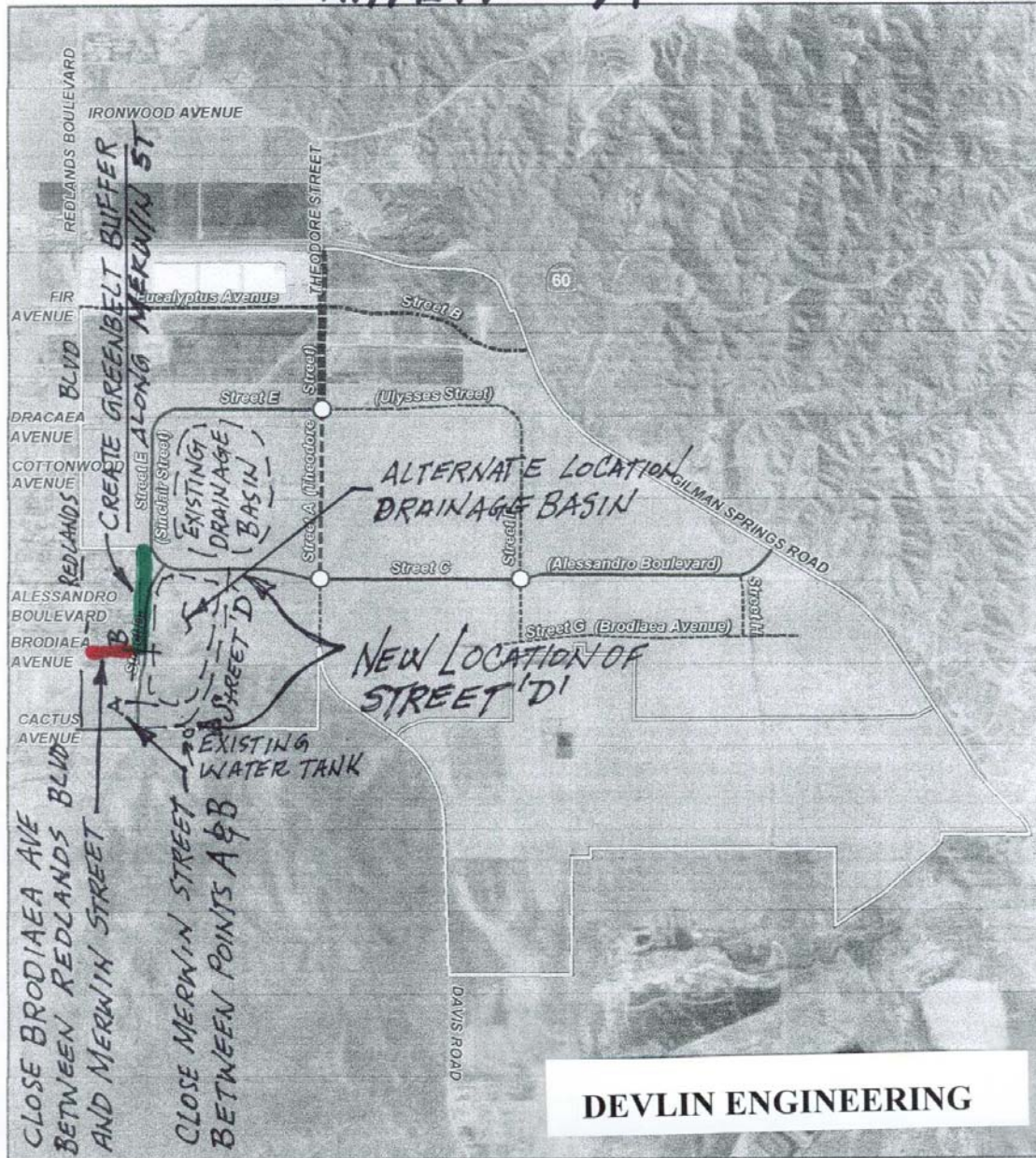
James R. Devlin
Devlin Engineering

Contact information:

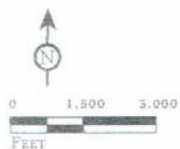
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Cell (858) 442-9549

cc: C. Moothart, Multivac Inc.

EXHIBIT 'A'



LSA



- Project Boundary
- Specific Plan Boundary
- Traffic Circle
- 6-Lane Divided (Wide Median)
- 4-Lane Divided (Wide Median)
- 4-Lane Divided (Std. Median)
- 4-Lane Undivided
- 2-Lane

See figure 3.11 for typical roadway cross sections.

FIGURE 3.10

World Logistics Center Project
Environmental Impact Report

Circulation Plan

SOURCE: ESRI World Imagery, 2010; Bing Maps, 2010; Google Maps, 2011.

U:\HFV1201\Reports\EIR\fig3.10_Circulation.mxd (12/26/2012)

EXHIBIT A TO LETTER DATED 3-25-2013

RESPONSES TO LETTER G-5

Devlin Engineering

Response to Comment G-5-1. The proper timing of review of conceptual plans of the World Logistics Center (WLC) project is during public circulation of the Draft Environmental Impact Report (DEIR). The Specific Plan and various graphic or visual representations of the WLC project were provided in Appendix H of the DEIR. Some of the World Logistics Center Specific Plan (WLCSP) graphics were revised a number of times based on review comments by City staff, so it could have been misleading or inappropriate to provide “early” versions of the Specific Plan graphics to the public which could have led to confusion or complaints about inaccurate or misleading information. The commenter’s letter dated March 15, 2012 was in fact reviewed as part of the Notice of Preparation and Environmental Impact Report (EIR) scoping process. In fact, all five of the mitigation issues raised or recommended in the commenter’s March 15, 2012 letter, including (1) truck traffic, (2) noise, (3) landscape buffer, (4) architecture, and (5) residential land uses, were not ignored and were addressed in the DEIR, as outlined in the following responses.

Response to Comment G-5-2. Truck Traffic – Location of Street “D.” The commenter has incorrectly assumed Street “D” is an extension of or connection to Merwin Street. Although Merwin Street and Street “D” appear very close to each other, Figure 2-1 and other graphics in the Specific Plan and EIR clearly show that Street “D” will be completely separate from Merwin Street, and in fact there will be no direct road connection between the residential neighborhoods along Redlands Boulevard and the WLC project, and the new Street “D” will be the only road connection from the WLC area southwest to Cactus Avenue. Truck traffic on Street “D” will be prohibited, so there will be no truck traffic or noise from trucks along Street “D” or Cactus Avenue. Street “D” will provide access only for project employees in their personal vehicles. Trucks are also prohibited on Redlands Boulevard south of Eucalyptus Avenue (at the new Skechers warehouse). The Specific Plan EIR clearly states this in Section 4.15.1.3 on page 4.15-24.

The commenter’s final comment is that “Merwin Street should be left along as a local collector for a residential neighborhood” which is what in fact will occur under the WLCSP.

Response to Comment G-5-3. Noise. The commenter is correct that homes along Cactus Avenue will be affected by project noise, but, the impact will only be from employee vehicles, not trucks. The noise impacts of the project to residents along Cactus Avenue were examined in Section 4.12, *Noise*, of the DEIR, and were determined to be significant over the long-term as it may not be physically possible to install the recommended walls on Cactus Avenue west of Redlands Boulevard for noise attenuation/mitigation, as described in DEIR Section 4.12.6.2, *Long-Term Noise Impacts*, on DEIR page 4.12-48 shown below:

Off-Site Areas Adjacent to the Specific Plan Area. For areas adjacent to the Specific Plan area, 22 segments would experience a noise increase that would be greater than significance criteria specified previously. These seven areas are described below.

Cactus Avenue (Redlands Boulevard to Street D). This area is occupied by a small group of single-family homes along Cactus Avenue between the future Street D and Redlands Boulevard. A significant noise increase is projected for all four time horizons. Currently, there is no soundwall along these homes. Therefore, this is a significant impact requiring mitigation.

Cactus Avenue (west of Redlands Boulevard). As identified in the noise study, this area shows noise increases ranging from 1.5 dB to 5.1 dB depending on the time horizon. Only the 2035 case results in a significant noise increase.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Later on in that section the DEIR (page 4.12-51) recommends the following mitigation to address noise impacts along Cactus Avenue:

Mitigation Measures. *Construction of the proposed WLC project would result in noise levels at the closest residences within and adjacent to the WLCSP area exceeding the maximum noise level allowed under the City's Municipal Code. The following measures would reduce long-term traffic related noise impacts associated with the proposed project:*

~~4.12.6.2A~~ Within the WLCSP, Street D shall be designed such that exterior noise levels at existing residential areas shall not exceed 65 CNEL, which may require installation of a soundwall or other noise attenuation improvements. The design and calculations of such improvements shall be incorporated into a report that shall be submitted to the City for review and approval prior to the issuance of construction permits for Street D.

4.12.6.2A When processing future individual buildings under the World Logistics Center Specific Plan, as part of the City's approval process, the City shall require the Applicant to take the following three actions for each building prior to approval of discretionary permits for individual plot plans for the requested development:

Action 1: Perform a building-specific noise study to ensure that the assumptions set forth in the FEIR prepared for the programmatic level entitlement remain valid. These procedure used to conduct these noise analyses shall be consistent with the noise analysis conducted in the programmatic FEIR and shall be used to impose building-specific mitigation on the individually-proposed buildings.

Action 2: If the building-specific analyses identify that the proposed development triggers the need for mitigation from the proposed building, including all preceding developments in the specific plan area, the Applicant shall implement the mitigation identified in the WLC FEIR. Prior to implementing the mitigation, the Applicant shall send letters by registered mail to all property owners and non-owner occupants of properties that would benefit from the proposed mitigation asking them to provide a position either in favor of or in opposition to the proposed noise abatement mitigation within 45 days. Each property shall be entitled to one vote on behalf of owners and one vote per dwelling on behalf of non-owner occupants.

If more than 50% of the votes from responding benefited receptors oppose the abatement, the abatement will not be considered reasonable. Additionally, for noise abatement to be located on private property, 100% of owners of property upon which the abatement is to be placed must support the proposed abatement. In the case of proposed noise abatement on private property, no response from a property owner, after three attempts by registered mail, is considered a no vote.

At the completion of the vote at the end of the 45 day period, the Applicant shall provide the tentative results of the vote to all property owners by registered mail. During the next 15 calendar days following the date of the mailing, property owners may change their vote. Following the 15-day period, the results of the vote will be finalized and made public.

Action 3: Upon consent from benefited receptors and property owners, the Applicant shall post a bond for the cost of the construction of the necessary mitigation as estimated by the City Engineer to ensure completion of the mitigation. The certificate of occupancy permits shall be issued upon posting of the bond or demonstration that 50% of the votes from responding benefited receptors oppose the abatement or, if the abatement is located on private property, any property owners oppose the abatement (per Noise Study MM N-8, pg.53)

~~4.12.6.2B~~ Prior to issuance of any discretionary approvals for development in the WLCSP, a WLC Noise Development Impact Fee study shall be submitted to the City for review and approval. The City shall require future development within the WLCSP to participate in a WLC Noise Development Impact Fee program to include soundwall attenuation to mitigate impacts from the proposed project based on the collection of fair share fee payments from each increment of development and the implementation of each soundwall in accordance with Mitigation Measure 4.12.6.2C. The update to the DIF shall be based on a nexus study in conformance with State law (i.e., AB 1600). The Nexus study shall examine the soundwalls specified below, shall include detailed cost estimates for each soundwall, and shall establish a pro-rated fee to be paid per square foot by all development proposals within the WLCSP. The soundwalls to be included in this study include:

~~**Cactus Avenue Soundwall from Redlands Boulevard to Street D.**~~ Construct an approximately 1,000-foot long, 6-foot high soundwall at the top of slope. The existing wrought iron fencing will be removed and replaced with the soundwall (e.g., masonry wall, berming, glass barrier, or combinations of these barriers). The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

~~**John F. Kennedy Drive, east side, Soundwall from Cactus Avenue to Bay Hill Drive.**~~ Construct an approximately 5,000-foot long, 6-foot high soundwall at the top of slope for the existing residences that are on the east side of John F. Kennedy Drive. The existing wrought iron fencing will be removed and replaced with the soundwall (e.g., masonry wall, berming, glass barrier, or combinations of these barriers). The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

~~**Moreno Beach Drive Soundwall between Locust Avenue and Ironwood Avenue.**~~ Construct an approximately 2,000-foot long, 6-foot high soundwall at the top of slope for the existing residences that are on the east side of John F. Kennedy Drive. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

~~**Perris Boulevard Soundwall between John F. Kennedy Drive and Iris Avenue.**~~ Construct an approximately 1,500-foot long, 6-foot high soundwall at the top of slope for the existing residences that are on the east side of John F. Kennedy Drive. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

~~**State Route 60 Soundwall from Redlands Boulevard to Theodore Street.**~~ Construct an approximately 580-foot long, 6-foot high soundwall for the existing residences. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

~~**Iris Avenue Soundwall from Nason Street to Oliver Street.**~~ Construct an approximately 3,000-foot long, 6-foot high soundwall along the property line for the existing residences.

~~**Sycamore Canyon Boulevard Soundwall from College Boulevard and Central Avenue.**~~ Construct an approximately 1,000-foot long, 6-foot high soundwall at the top of slope for the existing residences. The soundwall would need to measure 6 feet as measured from the rear yard of the residences.

4.12.6.2B Prior to issuance/approval of any building permits, the centerline of Cactus Avenue Extension will be located no closer than 114 feet to the residential property lines along Merwin Street. An alternative is to locate the roadway closer to the residences and provide a soundwall along Cactus Avenue Extension. The soundwall location

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

and height should be determined by a Registered Engineer, and the soundwall shall be designed to reduce noise levels to less than 65 CNEL at the residences. The Engineer shall provide calculations and supporting information in a report that will be required to be submitted to and approved by the City prior to issuing permits to construct the road (per Noise Study, pg. 51, Cactus Avenue Extension, ID #50).

4.12.6.2C ~~Prior to issuance of any building permits for development in the WLCSP, the City shall collect the Development Impact Fee (DIF) as modified in accordance with Mitigation Measure 4.12.6.2B. The City shall establish a schedule for installing the specific soundwalls listed in Mitigation Measure 4.12.6.2B consistent with the WLC Noise DIF program.~~

4.12.6.2C Prior to the approval of any discretionary permits, cumulative impact areas shown in the WLC EIR Noise Study shall be included in the soundwall mitigation program outlined in Mitigation Measures 4.12.6.2A and 4.12.6.2D (per Noise Study MM N-9, pg. 62).

4.12.6.2D Prior to issuance of a building permit, the applicant shall demonstrate that the development maintains a buffer with soundwall for noise attenuation at residential/warehousing interface (i.e., western and southwestern boundaries of the project site). To keep the noise levels at nearby residential areas less than typical ambient conditions, the warehousing property line shall be located a minimum of 250 feet from the residential zone boundary, and a 12-foot noise barrier shall be located along the perimeter of the property that faces any residential areas. The 12 foot noise barrier may be a soundwall, berm, or combination of the two. The height shall be measured relative to the pad of the warehouse. This requirement shall be implemented anytime residential areas are within 600 feet of the warehousing property line to insure that a noise level of 45 dBA (Leq) will not be exceeded at the residential zone. This requirement is consistent with Item 10 of Municipal Code Section 9.16.160 Business park/industrial that states, "All manufacturing and industrial uses adjacent to residential land uses shall include a buffer zone and/or noise attenuation wall to reduce outside noise levels" (per Noise Study MM N-10, pg.62).

Section 4.12 of the DEIR demonstrates that the commenter's first comment, about relocating Street D 500 to 1,000 feet east of Merwin Street, is not necessary to produce less than significant noise impacts to the homes on the segment of Cactus Avenue from Redlands Boulevard to Street D.

Response to Comment G-5-4. Landscape Buffers. The Specific Plan restricts warehouse buildings fronting on D street to a height of 60 feet (DEIR Figure 3-9) except for architectural details, and the buildings will be set back from residences along Merwin Street by at least 250 feet (DEIR Mitigation Measure (MM) 4.1.6.1A). Views of WLC project buildings from Merwin Street and surrounding residential areas are shown in Figures 4.1-4 and 4.1-5 in the *Aesthetics* Section of the DEIR (Views 5 and 6 are from Merwin Street, View 4 is from Bay Avenue, and Views 1-3 are from Redlands Boulevard).

Response to Comment G-5-5. Architecture. The commenter is referred to the many architectural views and photographs of example buildings in the WLC Specific Plan (DEIR Appendix H, Section 4.1 and 5.4) as well as Figures 4.1-4 and 4.1-5 in the *Aesthetics* Section of the DEIR (Views 5 and 6 are from Merwin Street, View 4 is from Bay Avenue, and Views 1-3 are from Redlands Boulevard). Figure 4.14 provides line-of-sight illustrations (i.e., horizontal cross section) so the reader can better see the spatial relationship of potential buildings to existing residential areas. MM 4.1.6.1B requires a more site-specific photographic rendering of actual buildings once a specific development is proposed. Due to the magnitude of the change in visual character, the DEIR concluded that aesthetic impacts of the

WLC project were significant even with mitigation, and would require a Statement of Overriding Considerations to be adopted (DEIR page 4.1-66).

Response to Comment G-5-6. Lights. Section 4.1.6.4, *Aesthetics – Lighting and Glare*, of the DEIR did examine the potential impacts of increased lighting related to the WLC project, but determined that they would be less than significant as long as they complied with the City's new Municipal Code Section 9.08.100 regarding night-time lighting. Page 4.1-75 of the DEIR states..."the Specific Plan includes the following guidelines regarding lighting (WLCSP page 127):

- 5.5.2.2 *All exterior on-site lighting must be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent lots.*
- 5.5.2.3 *Lighting fixtures are to be of clean, contemporary design.*
- 5.5.2.4 *Lighting must meet all requirements of the City of Moreno Valley.*
- 5.5.2.5 *Tilted wall fixtures (i.e., light fixtures which are not 90 degrees from vertical) are not permitted. Lights mounted to the roof parapet are not permitted. Wall-mounted light fixtures used to illuminate vehicular parking lots are not permitted.*
- 5.5.2.6 *Wall-mounted utility lights that cause off-site glare are not permitted. "Shoebox" lights are preferred.*
- 5.5.3.4 *All luminaires shall be metal halide or L.E.D.*
- 5.5.4.2 *Walkway lighting must have zero cut-off fixtures mounted at a uniform height no more than eight (8) feet above the walkway.*

Therefore, there appear to be sufficient controls over future night-lighting design to reduce impacts to less than significant levels, as outlined on page 4.1-76 of the DEIR.

Response to Comment G-5-7. Traffic Lights. As outlined in Responses to Comments G-5-1 and G-5-2 above, the commenter's assumptions about Merwin Street and Street "D" are incorrect, they will be separate roads and there will be adequate visual screening from existing residential areas to planned warehouse buildings. It does not appear from the site information available that lights from vehicular traffic on Street "D" will impact existing residences. In addition, Street "D" is not planned to have a traffic light so there will be no lighting impacts from those potential sources along Merwin Street.

Response to Comment G-5-8. Residential Land Uses. The goal of the WLC project is to create a contiguous regional logistics center in this area, so no other land uses have been proposed within the WLC project. As outlined in Responses to Comments G-5-1, G-5-2, G-5-4, and G-5-5 above, there will be a minimum 250-foot setback of future buildings from existing residential uses (including those on Merwin Street) and a series of berms, walls, and extensive landscaping to help shield the new warehouse buildings visually from existing residential uses.

Response to Comment G-5-9. As part of the FEIR the circulation of the project has been revised to reroute Cactus Ave as Street "D" into the WLC based on the Transportation Engineering Division's recommendations. Incorporating this road alignment impacts the original land plan for the southwestern portion of the Specific Plan to the point where approximately 100 acres of land in this area can no longer function as an integral part of the WLC project. Section 3.1 of the WLC depicts the revised circulation system. The revised circulation system severs the Alessandro street connections and reroutes Cactus as Street D into the WLC. The project limits are no longer adjacent to Merwin south of Alessandro and Brodiaea, and therefore are no longer part of the project. If the property owner adjacent Merwin and Brodiaea wish to have additional modification made to the existing circulation system they are required make a separate application request to the City.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-5-10. The employment and revenues for the proposed project have been estimated using industry standard data and methodologies, and appear to be accurate given the proposed land uses (logistics warehousing). For additional information on employment and revenues, see Responses to Comments G-3-1, G-3-2, G-3-5, and G-4-6 to Letter G-3 from Scott Johnson. The City Council will weigh the benefits to be derived from the project against the impacts that will result from it if it is approved.

Response to Comment G-5-11. The WLCSP does include physical setbacks and landscaped buffers between existing residences and future warehouse buildings, as outlined in the responses above. The issue of the potential appearance of future warehouse buildings was addressed in Response to Comment G-5-5 above. Future warehouses within the proposed WLCSP will likely appear similar to those in areas cited by the commenter, and as shown in the WLCSP (DEIR Appendix H). It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-5-12. Future development under the WLCSP will be reviewed by City staff to verify compliance with the Specific Plan and applicable City development guidelines and requirements. The suggestions made by the commenter were in fact reviewed during the Notice of Preparation period (i.e., Devlin Engineering letter dated March 15, 2012) and the issues raised were evaluated in the DEIR, as explained above.

Response to Appendix 1 (Annotated Map of Site Plan) The appendix was referenced in the comment letter in regards to the proposed location of D Street and the roadways proposed for the western portion of the project site. The appendix provides an annotated map of site plan showing requested closure points for Merwin Street and Brodiaea Avenue.

Letter G-6: Melissa Moore (email) (March 20, 2013)

From: mmoore7 [<mailto:mmoore7@student.rcc.edu>]

Sent: Wednesday, March 20, 2013 11:58 AM

To: Mark Gross

Subject: World Logistic Center

Dear Mr. Mark Gross,

As a concerned native Moreno Valley resident, I would like to express my attitudes toward the World Logistic Center. Moreno Valley is a community that is in need of economic growth opportunities, but these opportunities should not come at the cost of our health and environmental attributes. Since I have been a resident, for about 25 years, I have seen the city develop exponentially. This city must keep a balance between its business developments and keeping its aesthetic appeal. One of the most alluring characteristics that Moreno Valley possess is its open fields and small mountains that are habitats to wildlife and wonderful nature experiences for citizens of Moreno Valley to explore. Building such a large and obstructing structure will surely kill much habitat crucial to animal life as well as creating an unappealing obtrusive obstacle in the middle of our beautiful wetlands. It will create more congestion on our roads and pollution in our city. Thank you for your consideration.

—1

Sincerely yours,
Melissa Moore

RESPONSES TO LETTER G-6

Melissa Moore

Response to Comment G-6-1. Section 4.4, *Biological Resources*, of the Draft Environmental Impact Report (DEIR) examines potential impacts of the proposed project on existing vegetation and animals. It should be noted the site generally lacks important biological resources (including wetlands) due to the historical and ongoing disturbance by agricultural activities. The DEIR also examined potential impacts on the nearby San Jacinto Wildlife Area and Mystic Lake, and determined the project design, with proposed setbacks and landscaped buffers, and recommended mitigation measures would reduce potential impacts on these areas to less than significant levels. In addition, traffic and air quality impacts of the project were evaluated in DEIR Sections 4.15 and 4.3, respectively. Both were found to be significant, even with proposed mitigation, and will require a Statement of Overriding Considerations be adopted by the City Council if the project is approved. The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Letter G-7: Daccomando (email) (April 2, 2013)

From: Dacomando [<mailto:dacomando@aol.com>]
Sent: Tuesday, April 02, 2013 6:05 PM
To: John Terell
Subject: "WLC"

To Whom It May Concern:

I am strongly opposed to the "WLC" being approved in the Eastern part of Moreno Valley. I have lived in the area over 13 years and the air quality, traffic and just over all quality of life has gone downhill. It is bad enough that Sketchers was approved but now this. I am the Vice president of a mortgage company in Moreno Valley so I am very much in touch with the Real Estate market. I can tell you 2 homes in our area just went up for sale and they are the original owners of 25 years. These people are selling before the proposed warehouse is approved. Nobody wants to live or raise a family in a warehouse district. More people are contemplating the same thing.. People moved out there for a reason and that was because it was rural and they could raise their kids in a safe environment. It is not that way anymore. Just this week I passed over 10 big rigs running up and down Redlands Blvd which to my knowledge is against the law. The traffic has increased tremendously. Any added warehouses will decrease the quality of life. I strongly urge you not to approve there is plenty of other areas in Moreno Valley that are already developed for this kind of activity.

— 1

Thank You

Dacomando

dacomando@aol.com<<mailto:dacomando@aol.com>>

RESPONSES TO LETTER G-7

Daccomando

Response to Comment G-7-1. The commenter does not take issue with the analysis of the Draft Environmental Impact Report (DEIR). Many of the comments regarding impacts of the World Logistics Center (WLC) project on the overall quality of life, specifically air quality and traffic, were addressed in the DEIR Sections 4.4 and 4.15, respectively. The DEIR concluded that air quality and traffic impacts would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decided to approve the project. It should be noted the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-8: Tom Hyatt (email) (March 30, 2013)

From: tom hyatt [<mailto:ubiquitous53@gmail.com>]

Sent: Saturday, March 30, 2013 7:35 AM

To: Tom Owings; Marcelo Co; Victoria Baca; Jesse Molina; Richard Stewart

Subject: World Logistics Center warehouses

City Council members, I was not able to attend any of the recent council meetings or town halls regarding the World Logistics Center project. I have been a resident of Moreno Valley since 1994 and live off of Moreno Beach (what you have re-named "Rancho Belago") I purchased a house near the SKETCHER warehouse and watched Mr. Benzeevi bus in a bunch of out of town warehouse workers who do not even live in Moreno Valley, hand out red "JOBS NOW" T-shirts and have the audacity to feed them hoagie sandwiches on the porch to the council chambers. They stacked the meeting and filled out comment cards to speak and drown out the opposition of real citizens who actually live here and have a vested interest in our community. You may call that shrewd politics, I call it nasty, conniving and dishonest politics.

I also watched as he has manipulated all of you like a pied piper and turned you into his minions. Yes, how does it feel to be a "minion"? I also watched Council Woman BACA and her rude daughter staff a flashy Benzeevi propaganda booth at the Moreno Valley Mall handing out polished and expensive brochures. When the rude daughter tried to hand me a brochure and talk to me, I politely told her I was opposed to the project. She asked me why and when I told her I live near the project and have a disabled son who I am concerned with and my environmental concerns, she called me 'crazy'!!! Is that how you treat someone with an opposing opinion??? So, yes I call her a rude daughter but a more appropriate description is ugly and nasty! Benzeevi mis-represented his employment and profit numbers for that project and now you follow him like lemmings to his next boondoggle, the WORLD LOGISTIC CENTER. Is there not already enough diesel exhaust and traffic on HWY 60? Didn't you follow Benzeevi and re-name Rancho Belago to be an "upscale part of the city"? Then why the big polluting warehouses? "\$\$\$\$\$" By now, you know the intent of my message is to voice my opposition to this project. Please re-consider your un-wavering support of this project and for this developer who has manipulated all of you like some cult leader.

Have a nice day,

Tom

Rancho Belago

RESPONSES TO LETTER G-8

Tom Hyatt

Response to Comment G-8-1. Most of the comments do not apply to the Environmental Impact Report (EIR) analysis or conclusions, but are personal observations about the project and project review process. The Draft Environmental Impact Report (DEIR) concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Letter G-9: Charles Moothart (March 27, 2013)

Letter to homeowners in Moreno Valley

March 27, 2013

Dear Homeowner,

Your immediate help is needed to avoid potential major problems associated with the World Logistics Center Development. Please understand that I am not suggesting opposition or support for the World Logistics Center – that is a personal decision. I do, however, feel that the impacts on the neighboring properties must be given more consideration. To date, all you have heard from the City is that the project will create jobs and more jobs in the City of Moreno Valley. You have not heard about the traffic noise, street lights, development lights and air pollution created by this development. Virtually nothing has been said by the City about the problems created by this development.

1

As the plan is proposed, the City of Moreno Valley is going to allow Highland Fairview to construct **40 to 50 more industrial developments like the Sketchers warehouses** on the East side of Merwin St. However, this will be in one development adjacent to your neighborhood. One can just look at Google Maps or the attached map where the Sketchers warehouse is built, and imagine the whole open space to the North and East of your property as an ocean of stark white buildings 60 to 80 feet tall with security lights and street lights blaring into your homes. That will be your total view for as far as you can see to the north and east of your property.

2

Warehouse districts have lights, lots and lots of lights. These lights must be controlled to point away from the existing residential neighborhoods. Does anybody want to have stark white security lights shining in through their windows at night? The City needs to make sure this does not happen.

3

Merwin Street north and south of Alessandro Blvd is projected to become a major thoroughfare with traffic lights and very tall street lights, closely spaced. Your neighborhood will be lit up like a shopping mall without any of the benefits. Dark, quiet nights will be a thing of the past unless the city adopts measures to eliminate the use of Merwin Street.

4

Additionally, if Merwin Street is used as a major arterial thoroughfare, The neighborhood will be impacted with truck traffic day and night throughout the year. Trucks will be starting and stopping at the traffic signals and other intersections. If you happen to live near Merwin Street, you will not be able to sleep much.

5

These problems can be avoided with proper buffering and traffic control. The City of Moreno Valley must require that World Logistics Center be barred from using Merwin Street. World Logistics Center must bring their thoroughfare roads into their project within their development and avoid adjacent residential neighborhoods. This will keep the truck noise and traffic noise out of the residential neighborhoods.

6

It is only fair that the project be built as a good neighbor. It should have adequate measures to eliminate its harmful effects on the residential areas it will invade.

7

The attached letter to the City demands that World Logistics Center's Development Plan be changed to move their Streets D and E away from the residential neighborhoods and include measures that will eliminate noise, lighting and traffic issues.

8

If you agree with the content of the letter, please sign and send the letter in the included envelope immediately. There is a blank space for you to fill in any additional issues you may wish to address. The deadline for the City to receive comments is April 8 at 5:00 p.m., so you must send this letter immediately. Please be sure to fill in your name and address and sign the letter.

Thank you for your consideration – I hope you will voice your opinion, whatever it may be.

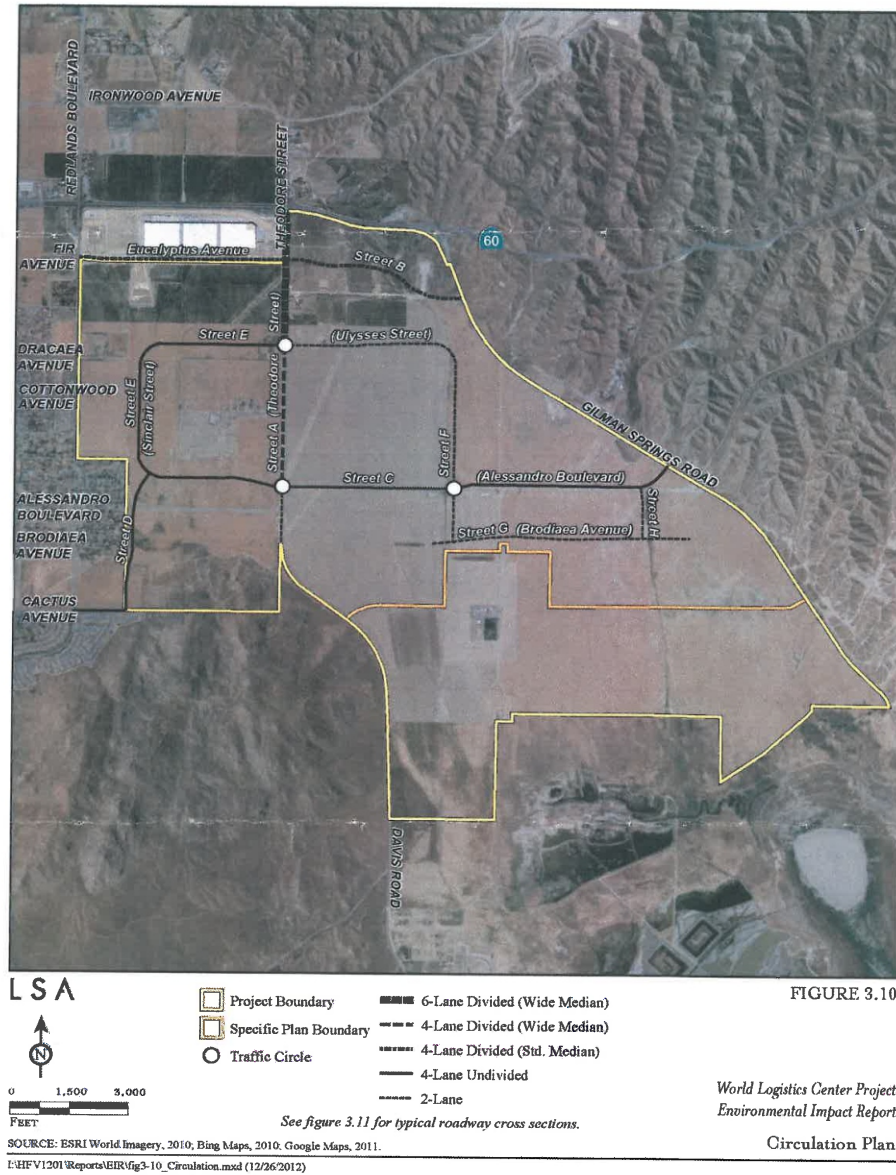
Sincerely,



Charles F. Moothart, a fellow property owner

World Logistics Center (outlined in yellow)

Sketchers Buildings at Eucalyptus Ave. (white buildings)



March 27, 2013

John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 9
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 10
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 11

Sincerely,

(signature)

Property owner: Name _____
 Address _____

 APN# _____

RESPONSES TO LETTER G-9

Charles Moothart

NOTE: Although this letter was not directly addressed to the City or the Draft Environmental Impact Report (DEIR), a number of residents used it as a template for submitting their own comment letters, so responses have been drafted to address all of these comments in one letter to avoid duplication.

Response to Comment G-9-1. The DEIR examined all the potential environmental impacts of the proposed World Logistics Center (WLC) project and concluded that a number of impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation. Under the California Environmental Quality Act (CEQA), the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted the City Council will consider all stated opinions and comments on the project and Environmental Impact Report (EIR) prior to making any decisions regarding the proposed WLC project.

Response to Comment G-9-2. Section 3 of the DEIR explains the various characteristics of the proposed WLC project, but the commenter's physical characterization of the WLC project at buildout is generally correct. The future warehouse buildings within the World Logistics Center Specific Plan (WLCSP) will generally be white to help with energy conservation, but will be partially shielded by landscaping and will have architectural treatments to help break up vertical and long horizontal lines of the buildings (per Specific Plan Section 5.3). However, the commenter's assertion that street lights and security lights will be "blaring" into adjacent homes is not correct (see Response to Comment G-9-3 below).

Response to Comment G-9-3. Section 4.1.6.4, *Aesthetics – Lighting and Glare*, of the DEIR did examine the potential impacts of increased lighting related to the WLC project, but determined that they would be less than significant as long as they complied with the City's new Municipal Code Section 9.08.100 regarding night-time lighting. Page 4.1-75 of the DEIR states..."the Specific Plan includes the following guidelines regarding lighting (WLCSP page 127):

- 5.4.2.2 All exterior on-site lighting must be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent lots.
- 5.4.2.3 Lighting fixtures are to be of clean, contemporary design.
- 5.4.2.4 Lighting must meet all requirements of the City of Moreno Valley.
- 5.4.2.5 Tilted wall fixtures (i.e., light fixtures which are not 90 degrees from vertical) are not permitted. Lights mounted to the roof parapet are not permitted. Wall-mounted light fixtures used to illuminate vehicular parking lots are not permitted.
- 5.4.2.6 Wall-mounted utility lights that cause off-site glare are not permitted. "Shoebox" lights are preferred.

Therefore, there appear to be sufficient controls over future night-lighting design to reduce impacts to less than significant levels, as outlined on page 4.1-76 of the DEIR. In addition, the commenter's assumptions about truck traffic, traffic lights, and lights from vehicular traffic on Merwin Street impacting local resident/residences are not correct, as explained in the other responses in this section.

Response to Comment G-9-4. The commenter's assumptions about Merwin Street and Street "D" are incorrect, they will be separate roads and there will be adequate visual screening from existing residential areas to planned warehouse buildings. It does not appear from the site information

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

available that lights from vehicular traffic on Street “D” will impact existing residences. In addition, Street “D” is not planned to have a traffic light so there will be no lighting impacts from those potential sources along Merwin Street. In addition, the commenter’s assumptions about truck traffic, traffic lights, and lights from vehicular traffic on Merwin Street impacting local resident/residences are not correct. In addition, 100 acres in the southwest portion of the WLCSP has been removed from the specific plan area shown in the original project (was 2,710 acres and now is 2,610 acres), so the only major construction in the area adjacent to these homes will now be from the construction/extension of Cactus Avenue onto the WLCSP property. Therefore, there will be substantially reduced construction-related impacts to the residential areas east of Redlands and south of Alessandro.

Merwin Street will **not** be used or modified in any way to be or function as a major arterial thoroughfare. The commenter has incorrectly assumed Merwin Street will be impacted by WLC project traffic, noise, and lights because Street “D” is an extension of or connection to Merwin Street under the old Specific Plan road layout. Although Merwin Street and Street “D” appear very close to each other in the original land plan, Figure 2-1 and other graphics in the Specific Plan and EIR clearly show that Street “D” will be completely separate from Merwin Street, and in fact there would have been **no direct road connection** between the residential neighborhoods along Redlands Boulevard and the WLC project, and the new Street “D” would have been the only road connection from the WLC area southwest to Cactus Avenue. Under the revised WLCSP land plan (minus 100 acres at the southwest corner of the project), there is now no “D” street and Cactus Avenue will now be extended east and north to connect up to Street E within the WLCSP. Truck traffic on Cactus Avenue will be prohibited, so there will be no truck traffic or noise from trucks along Cactus Avenue that would affect homes off of Merwin Street. Cactus Avenue will provide access only for project employees in their personal vehicles. Trucks are also prohibited on Redlands Boulevard south of Eucalyptus Avenue (at the new Skechers warehouse).

Response to Comment G-9-6. As outlined in Responses to Comments G-9-4 and G-9-5, the commenter’s assumptions about Merwin Street and the new Cactus Street extension (formerly Street “D”) are incorrect, they will be separate roads so it does not appear that vehicular traffic or noise on the extension of Cactus Avenue will impact existing residences. In addition, the extension of Cactus Avenue is not planned to have a traffic light so there will be no lighting impacts from those potential sources along Merwin Street.

Along the western, northern, and southern boundaries of the site, the Specific Plan restricts warehouse buildings to a height of 60 feet (DEIR Figure 3-9) except for special circumstances, and the buildings will be set back from residences along Merwin Street by at least 250 feet (DEIR Mitigation Measure (MM) 4.1.6.1A). Section 5.3.3 of the Specific Plan provides that alternative building heights may be approved to accommodate special interior uses or screening of special mechanical equipment unique to these facilities. Requests for such alternative standards would be processed per Section 11.3.3 of the Specific Plan which contains the provisions for any proposed variances to development standards. Variances up to 10% of the standard may be approved administratively in accordance with Section 9.02.090 of the Municipal Code. Other variance requests would be processed in accordance with Section 9.02.100 of the Municipal Code. It is expected that most buildings will adhere to the 60-foot building limit, so no significantly different visual impacts are expected as a result of this potential height exception, especially adjacent to residential areas where buildings will be visible.

Response to Comment G-9-7. The comment is general without specifics about what impacts are involved. However, the WLCSP does include physical setbacks and landscaped buffers between existing residences and future warehouse buildings, as outlined in the responses above.

Response to Comment G-9-8. As noted in Responses to Comments G-9-4 and G-9-5 above, the commenter’s statements about Merwin Street and truck traffic from the WLC project are incorrect. In addition, the WLCSP does include physical setbacks and landscaped buffers between existing

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

residences and future warehouse buildings, as outlined in the responses above. For additional discussion of these issues, see the Response to Comment G-5. Finally, the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-9-9. The comment is a form letter requesting the project move all truck traffic off Merwin Street. The commenter also requests that Streets D and E be relocated 500 to 1000 feet east of Merwin Street.

As explained in the revised TIA Chapter 4, Section B (FEIR Volume 2, Appendix L), Alessandro Blvd will be severed in the project site. This is being done specifically to prevent project traffic from entering the Old Moreno neighborhood. Project traffic will not use Merwin Street. Project-related car traffic heading west will be directed towards Cactus Blvd. Trucks will not be permitted to use the Cactus Blvd. access point and would instead be directed to SR-60.

The proposed on-site road network has been revised so that Street E is 400 ft. away from Merwin Street and Cactus is 1270 ft. away from Merwin Street. See Chapter 4, Section B, Figure 16 of the revised Traffic Impact Analysis (TIA).

Response to Comment G-9-10. The DEIR Section 4.1.2.2 *City of Moreno Valley Municipal Code* notes Section 9.08.100 of the code requires non-residential lighting to be fully shielded and directed away from surrounding residential uses. It also restricts non-residential lighting to not exceed 0.25 foot-candle of light measured from within five feet of any property line.

In addition, the WLCSP Section 5.5.2 *General On-Site Lighting Parameters* requires all exterior on-site lighting to be shielded and confined within the site boundaries. No direct rays are permitted to shine onto public streets or adjacent lots, this includes wall mounted lighting. The WLCSP does limit the light poles to a maximum of 25 feet in height and both pole and wall mounted lighting must use cut-off fixtures.

While the WLCSP contains lighting guidelines for future development, ambient light level impacts will need to be calculated and reviewed for conformance with the DEIR mitigation measures and WLCSP, through the City's site plan review process for each specific building proposed. The commenter is referred to letter G-3-3.

Responses to Comment G-9-11. The DEIR does provide a buffer area along Redlands Boulevard, Bay Avenue and Merwin Street through MM (MM) 4.1.6.1A which reads as follows:

4.1.6.1A ~~Prior to the issuance of any discretionary permit for development along the western boundary of the WLCSP, a minimum 250-foot setback shall be verified from closest residential property line along Redlands Boulevard, Bay Avenue, and Merwin Street to any truck access area of the WLC project. 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, planted and walls and landscaping sufficient to provide effective visual screening between the new development and existing residential areas upon maturity of the landscaping materials. Prior to development of the portion of the WLC Specific Plan property adjacent to Redlands Boulevard, 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 City Planning Official Division.~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

In addition, the minimum setback from all residential zoning to buildings along Redlands Boulevard, Bay Avenue and Merwin Street is 250 feet per the Specific Plan. Compliance with MM 4.1.6.1A and the minimum building setback, will provide for berms and landscaping that would exceed the suggested 100-foot wide greenbelt area in the comment letter.

Letter G-10: Alexander and Rachel Moreno (March 27, 2013)

RECEIVED

APR 2 - 2013

CITY OF MORENO VALLEY
Planning Division

March 27, 2013

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3
- There should be "Truck restrictions" close to homes, and only one exit off the 60 that will be truck exit 4

Sincerely, only

Alexander Moreno
(signature)

Property owner:

Name Alexander & Rachel MORENOAddress 28726 Highpoint Ave
Moreno Valley CA 92555

APN# _____

RESPONSES TO LETTER G-10

Alexander and Rachel Moreno

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-10-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-10-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-10-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-10-4. Trucks are prohibited on Redlands Boulevard south of Eucalyptus Avenue (i.e., entrance to Skechers warehouse). Trucks are also prohibited on all residential streets, such as Merwin Street, and will be prohibited on Street “E” at the southwest corner of the project site. Theodore Street will become the primary truck access point to the World Logistics Center (WLC) project area off the SR-60 freeway.

Letter G-11: Donald Papiernik (March 27, 2013)

RECEIVED

APR 4 - 2013

CITY OF MORENO VALLEY
Planning Division

March 27, 2013

John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street.
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground.
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets.

Sincerely,


(signature)

Property owner: Name DONALD PAPIERNEK
Address 28900 RAINIER WAY
MORENO VALLEY, CA 92555
APN# 304 290 058

RESPONSES TO LETTER G-11

Donald Papiernik

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-11-1. See Responses to Comments G-9-9, G-9-10, and G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-12: Paul and Kathy Dembowski (March 27, 2013)

March 27, 2013

John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

RECEIVED
APR 4 - 2013
CITY OF MORENO VALLEY
Planning Division

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. *This is a residential street!*
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground.
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets.
- Please reconsider zoning changes. Our city was meant to be a bedroom community, not a hub for distribution! We do not have the infrastructure to handle such a large distribution center. Just look at Alessandro Blvd & all the potholes along the entire stretch of it.

Sincerely,

Paul Dembowski & Kathy Dembowski
(signature)

Property owner:

Name Paul + Kathy Dembowski

Address 23863 Creekswood Dr.

Moreno Valley, CA 92557

APN# _____

RESPONSES TO LETTER G-12

Paul and Kathy Dembowski

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-12-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-12-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-12-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-12-4. The Draft Environmental Impact Report (DEIR) examines the land use issues involved in the requested General Plan and Zone Change and did conclude that impacts were significant. A significant amount of project-related traffic is not anticipated to use Alessandro Boulevard, but the project traffic study (DEIR Appendix E) does identify all streets and intersections in the City and surrounding jurisdictions that will be impacted by project traffic, both trucks and passenger vehicles. The DEIR concluded a number of project impacts (e.g., air quality, traffic, etc.) were significant even after implementation of mitigation. Therefore, the City Council will need to adopt a Statement of Overriding Considerations that states what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and Environmental Impact Report prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Letter G-13: Michael Cox (March 27, 2013)

March 27, 2013

RECEIVED

APR 4 - 2013

CITY OF MORENO VALLEY
Planning Division

John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3

• Any politician voting for this project, will not get my vote for re-election. 4

Sincerely,


(signature)

Property owner:

Name

Michael W. Cox

Address

13555 Plantation Way
MV 92555

APN#

RESPONSES TO LETTER G-13

Michael Cox

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-13-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-13-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-13-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-13-4. The City Council will consider all stated opinions and comments on the project and Environmental Impact Report prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Letter G-14: Ruben Soto (March 27, 2013)

March 27, 2013

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

RECEIVED
APR 4 - 2013
CITY OF MORENO VALLEY
Planning Division

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street.
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground.
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets.

Sincerely,


(signature)

Property owner:

Name

RUBEN SOTO

Address

28881 MURRAY AVE
MORENO VALLEY CA 92555

APN#

026) 485-8541

RESPONSES TO LETTER G-14

Ruben Soto

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-14-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-14-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-14-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-15: Gloria Wike (April 1, 2013)

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APR 2 - 2013

CITY OF MORENO VALLEY
Planning Division

4-1-13

Attention: John Terrell

I received a letter from a Charles Mostbark regarding the "World Logistics Center Development". I do not know who he is and the charges he recommended to the Center and the affects it will have on our area.

I have been concerned ever since Sketches went in. It was just a prelude to more Warehouses in the east end and that is exactly what is happening. No projects such as this Grotonque Center should ever be built next to homes and Bird Sanctuaries. The 60 freeway coming and going is much to narrow and dangerous for more Truck Traffic. Where will the State and Caltrans get the money to expand the freeway thru the Badlands of California is critically in debt? Without that guarantee that in itself should for bid this project of such

enormous size to be built.

Noise Pollution, additional traffic, being built next to homes and Wildlife preserves are beyond reasonable, it is dangerous health wise and for traffic driving thru Ballands that has already proven how unsafe it is.

They state it will eventually bring 20,000 jobs. That is quite a sum if true, but the danger involved and the effects on homeowners with families is very serious. Look what it has done to Mira Jones.

Charles Moothart brought up some charges that should have been part of the ^{original} plan. I am sure he is part of this project also and that is suspect also.

Respectfully,

Ann P. Weber

28918 Mattby Ave.
Mojave Valley, Cal.
92555

RESPONSES TO LETTER G-15

Gloria Wike

Response to Comment G-15-1. The commenter is correct, if the World Logistics Center (WLC) project is approved, many more large logistics warehouse buildings will be constructed and operated in the area east of Redlands Boulevard which is now largely agricultural fields.

Response to Comment G-15-2. The commenter is correct, development of the WLC project will increase area traffic on local roads, including Gilman Springs Road (currently a 2-lane road), and area freeways including the SR-60 and I-215. Traffic impacts of the project were evaluated in Draft Environmental Impact Report (DEIR) Section 4.15 and were found to be significant, even with proposed mitigation. Approval of the project will require the City Council to adopt a Statement of Overriding Considerations explaining what project benefits outweigh the identified significant impacts of the project.

Section 4.4, *Biological Resources*, of the DEIR examines potential impacts of the proposed project on existing vegetation and animals. It should be noted the site generally lacks important biological resources (including wetlands) due to the historical and ongoing disturbance by agricultural activities. The DEIR also examined potential impacts on the nearby San Jacinto Wildlife Area and Mystic Lake, and determined that the project design, with proposed setbacks and landscaped buffers, and recommended mitigation measures would reduce potential impacts on these areas to less than significant levels.

The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-15-3. Section 4.13 of the DEIR did examine potential employment that could be generated by the WLC project. For more information in that regard, the reader is referred to the Response to Comment G-1-5 in Letter G-1 (Cree Family) and Responses to Comments G-3-1 and G-3-2 to Letter G-3 (Perry Johnson).

Response to Comment G-15-4. Charles Moothart did comment on the WLC project and Environmental Impact Report, as outlined in the Response to Comment G-9. For more information regarding Mr. Moothart's comments, the reader is referred to the responses to that letter.

Letter G-16: Jim, Rosemary, and Paul Hernandez (March 28, 2013)

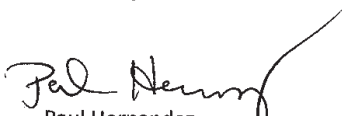
March 28, 2013

City of Moreno Valley Economic Planning Department:

This letter is written in response to the proposed World Logistics Center project. It is apparent that the City Planning Commission and City Council have chosen to approve recommendation of this project without concern for the citizens of this community. The environmental impacts of this project should be considered before this project moves forward. First of all, the pollution generated from the amount of trucks that are estimated to be traveling through the area will have adverse effects on the health of the residents and will deteriorate the air quality in the area. This increase in truck traffic will also affect the gridlock on the 60 freeway and surrounding streets. This is already a problem as there is only one way into the city and one way out, it will only be compounded by the addition of hundreds of more trucks. Also, these trucks bring additional noise that will affect the residents. This is all in contradiction to the general land use that was originally designated for this area. Agriculture and wildlife in the area will also be adversely affected as will the open spaces and aesthetics of the community. As residents of this community for 32 years we would like to voice our opposition to such a project. The proposed "benefits" do not outweigh the significant negative impacts.


Jim Hernandez


Rosemary Hernandez


Paul Hernandez

28786 Kimberly Ave.

Moreno Valley 92555

RESPONSES TO LETTER G-16

Jim, Rosemary, and Paul Hernandez

Response to Comment G-16-1. The Planning Commission and City Council members will review the Draft Environmental Impact Report (DEIR) and Final Environmental Impact Report (FEIR), including responses to all comments on the DEIR, and all relevant project information before making a decision on the World Logistics Center (WLC) project. The DEIR examined all potential environmental impacts of the project and identified a number that were significant even after implementation of mitigation (e.g., air quality, health risks, traffic, noise, etc.). The DEIR did evaluate traffic impacts on the SR-60 freeway as well as local streets and intersections. It examined noise impacts from project trucks and vehicles, and recommended various noise attenuation improvements, but found that noise impacts would still be significant because a number of measures could not be implemented as recommended due to physical constraints of existing development. Impacts to area plants and animals were examined, as well as the loss of agricultural land (also determined to be significant). The City Council will consider all stated opinions and comments on the project and Environmental Impact Report prior to making any decisions regarding the proposed WLC project. Finally, approval of the project will require the City Council to adopt a Statement of Overriding Considerations explaining what project benefits outweigh the identified significant impacts of the project.

Letter G-17: Joanne Lindgren (April 1, 2013)

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APR 4 - 2013

CITY OF MORENO VALLEY
Planning Division

April 1, 2013

City of Moreno Valley

Community and Economic Development Department

14177 Frederick Street

Moreno Valley, CA 92553

RE: Proposed World Logistics Center Environmental Impact Report - PA12-0010 (General Plan Amendment); PA12-0011 (Development Agreement); PA12-0014 (Annexation); PA12-0012 (Change of Zone); PA12-0013 (Specific Plan) and PA12-0015 (Tentative Parcel Map)

I'd like to respond and ask some questions about the EIR for the World Logistics Center project. I read the traffic numbers for the current and *future* truck/vehicle traffic for our city because of this project. How can our city survive the impact of all the new truck traffic that will be funneled down streets like *Alessandro and Cactus*? We use to live in the City of Temecula and the *vehicle traffic* was the largest planning concern of the people in that area. That city is split by the 15 freeway, similar to Moreno Valley that has the 60 freeway running through the city limits. Many street widening projects were funded but still that city has enormous traffic jams on the main arteries of town as well as the freeway off ramps to Temecula. The World Logistics Center has these wide four lane streets within the complex but they empty out to smaller two lane roads like Redlands Avenue, between the 60 freeway and Dracaea Avenue. Is the developer going to widen Redlands Avenue in that area or are will our tax dollars go towards that improvement? As I see it, our city infrastructure is not there to support such a large project. The 60 freeway is currently being widened on the eastbound side, the intersection of the 60/215 north and the widening of the Nason Street overpass bridge. The amount of traffic at the intersection of the 60 freeway and the 215 currently has reached its capacity for the morning and evening commute. Seeing the current construction improvements that Caltrans is working on does not look like it would be enough to handle the increase *truck traffic* that the World Logistics Center would create. Our roads will need more maintenance (potholes and rough washboard ruts) and the taxpayers will be for asked to pay for this. Truck drivers are likely to wander or get lost in our community onto residential streets. Will the city post "*vehicles >10,000 lbs. are not permitted*" signs in all our neighborhoods? Does Caltrans have additional construction projects for widening the 60 and 215 freeways in the next 10 years? Has the surrounding cities, like Riverside and San Bernardino, been apprized of the enormous impact on their city streets and the air quality of the valley we share?

The City of Moreno Valley does not have the infrastructure to support a trucking logistics center of this size. The railroad runs along the 215 freeway and trucks will have to travel through our city to reach neither the rail or to the Los Angeles/Long Beach Ports for shipped merchandise. Had there ever been a dialog about proposing a rail expansion through our city? Will we be asked to endure that as residents

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of Moreno Valley in the future? The developer of this project is proposing an airport facility in the Beaumont area. Are there plans to transport merchandise via trucks through the Badlands (Eastbound on the 60 freeway) to the World Logistics Center?

Appendix D (Air Quality, Greenhouse Gas and Health Risk Assessment Report), it speaks to the construction and operations of the World Logistics Center upon its completion. The health concerns of the children, sick and elderly are at great risk. During City Planning Commission meetings, a representative from AQMD will speak on the City's responsibility in continuing to approve warehouse development without any regard to the quality of air. But these projects continue to be approved and now the largest warehouse project in Southern California being proposed and even when the EIR report points out the devastating air quality that this project will contribute to our valley, the City Planners praise the project for its best use of space and the job benefits it will provide to our community. I worked in the City of Commerce for many years. During that time, AQMD had set up monitoring stations throughout the city and along the 5 freeway. These monitoring stations were to measure the levels of pollutants that the diesel trucks were contributing to the air quality of Los Angeles County. My work took me to the residential households of the City and there were several incidents relayed to me of a family member that had been diagnosed with lung cancer due to their environment. Once a father asked me to explain what kind of chemicals were present in a business next door that he suspected the reason his two children were born with learning disorders. We cannot always know what is being stored in warehouses! Fire Inspectors have annual inspection programs but are primarily concern with types of flammables and quantity of product for the prevention of fires. Health risks to the employees are OSHA's jurisdiction. But they don't do annual inspections! Residential homes that back up to major well-travelled streets are plagued by pollutants in their yards and HVAC equipment. These existing homes are not constructed with triple-pane windows and sound board on their exterior walls to prevent the noise and pollution of extension truck traffic. Housing values will go down on these homes along truck paths and near the project itself.

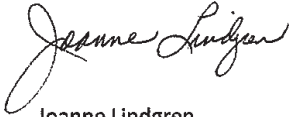
This World Logistics Center is being sold to the citizens of Moreno Valley as a solution to the inadequate number of jobs that keeps our residents commuting for employment. Warehouse employee unions have told us how poorly the employees are treating in this type of job. These are low skill workers that are paid low wages and are generally employed as part-time workers without benefits. The Sketchers' project was presented to the citizens as a number of new jobs would be generated from this development. This was not true. Neighbors have done number counts on vehicles in the parking lot and *Sketchers* has been a disappointing employment rate of one job per 18,000 square feet of building space. The city planners has estimated that even with automated warehousing projects the employment rate could be one job for every 2,200 square feet. This kind of guesswork and this type of jobs will not provide what the city needs in terms of local employment. Automated warehouses will only bring trucks to our community not jobs!

Even though our city will receive a substantial amount of permit and development fees initially, warehousing offers no sales tax base. Revenue will also serve to be inadequate in business license fees. Also building permit fees are forbidden by law to be used to benefit the general fund but must be collected to cover the actual cost of building inspection and plan checking. Riverside County has already

been sued in court over excessive permit fees for residential developments. We cannot subject our already deficit city budget with any devastating expensive lawsuit.

In conclusion, I believe the project is too large and creates too many problems for our little community. We need to reject this project and go back to the *General Plan* with mixed zoning which was approved by the people of Moreno Valley. This idea appeals to the residential and small business communities and presents itself as a healthful, quality way of life for the citizens of Moreno Valley.

Respectfully submitted,



Joanne Lindgren

28842 Dracaea Ave.

Moreno Valley, CA 92555

Caminoray@aol.com

RESPONSES TO LETTER G-17

Joanne Lindgren

Response to Comment G-17-1. The commenter asks how the City can survive all the new truck traffic on streets like Alessandro and Cactus. The commenter cites his experience at his previous residence in Temecula where traffic jams existed despite road widening projects. The commenter claims that the World Logistics Center (WLC) would have 4-lane internal roads that empty out to small 2-lane roads like Redlands Avenue between SR-60 and Dracaea Avenue and asks if widening of Redlands Avenue would be paid for by the developer or tax money. The commenter opinion is city infrastructure cannot support such a large project and that current improvements on over-capacity SR-60 and I-215 will not be enough to handle the increased truck traffic from WLC. The commenter asks if Caltrans has planned widening projects on SR-60 or I-215 in the next 10 years. The commenter also asks if the City will post "vehicles >10,000 lbs. are not permitted" signs in all neighborhoods. He also asks if surrounding cities such as Riverside and San Bernardino have been apprised of the projects impacts on streets and air quality.

As explained in the revised Traffic Impact Analysis (TIA) Chapter 4, Section B (Final Environmental Impact Report (FEIR) Volume 2, Appendix L), Alessandro Blvd will be severed in the project site. Project-related car traffic heading west will be directed towards Cactus Blvd. Trucks will not be permitted to use the Cactus Blvd. access point and would instead be directed to SR-60. For these reasons, there is no project-related truck traffic expected on Alessandro Blvd. See Figure 16 in the TIA, copied below as Exhibit G-17-1.

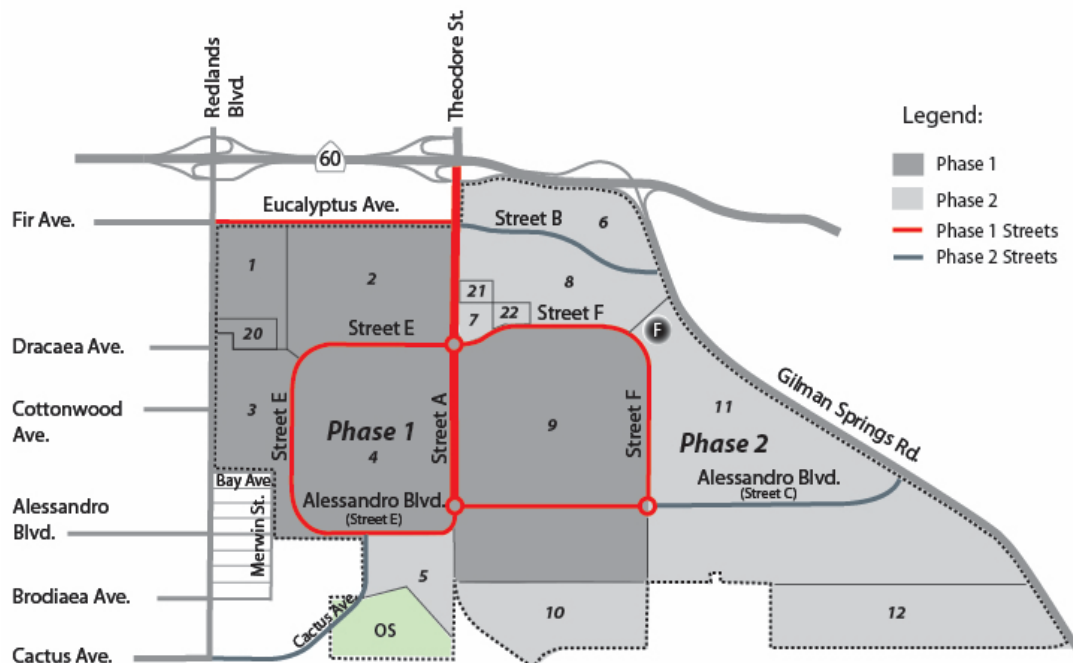


Exhibit G-17-1: Proposed Roadways and Phasing

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The City plans to widen Redlands Avenue from Eucalyptus Ave. to SR-60 and the WLC will be required to pay its fair share for this improvement.

Caltrans completed a Route Concept Report for the SR-60/I-215 corridor in September 2012. The report is available at the City's Planning Department. This report focused on identifying the number of lanes required in each section of the corridor and did recommend additional lanes in some places, including adding a mixed-flow lane in both directions from the Redlands Blvd. interchange to the Gilman Springs Rd. interchange.

An additional figure (Figure 8) has been included in the TIA showing the designated truck routes in and around Moreno Valley. Trucks are legally restricted from using other route except when the destination is outside of the route, such as a moving van going to a house in a residential neighborhood. The City would typically not post truck prohibited signs as suggested by the commenter unless a recurring problem exists of trucks using roads they should not use.

The surrounding cities were apprised of the project by being sent both the Notice of Preparation and the Notice of Availability. The Cities of Perris, Riverside, San Jacinto, and Redlands submitted comments on the DEIR (see Comment letters E-1, E-2, E-4, and E-5 respectively).

Response to Comment G-17-2. The commenter points out that there is a railroad running along the I-215 and asks if there has been a dialog about rail expansion in Moreno Valley. The commenter asks if residents will "be asked to endure that." He also asks if there are plans to transport merchandise through the Badlands to a possible new airport in the Beaumont area.

An additional section (Chapter 4, Section F) has been included in the revised TIA (FEIR Volume 2, Appendix L) that analyzes the potential for serving project trips by rail. The analysis showed that rail service to the project site is not viable due to a range of factors. Possible impact on city residents was specifically cited as a reason why rail is not considered a viable option.

The WLC project has no relationship with a possible new airport in the Beaumont area. Transportation of merchandise via trucks eastbound on SR-60 from the WLC is anticipated as part of the project. Caltrans has a project to build truck climbing lanes through the Badlands which will ease congestion there.

Response to Comment G-17-3. The "health effects from air pollution" information provided by the commenter is anecdotal and does not provide any specific scientific data or evidence in this regard. Any specific health to a specific person(s) would have to be investigated as to the health effect noted before any cause or causes could be established. It should be noted that Redlands Boulevard from Cactus Avenue north to Eucalyptus Avenue is not designated as a truck route and no heavy duty trucks will be allowed on this roadway – if any do use these roadways, they are subject to enforcement and ticketing by the City Police Department. The DEIR does explain health risks and whether the impacts outweigh the benefits will be decided by the City Council (refer to FEIR Volume 2 Section 4.3.3.4.)

The commenter presents several incidents of illnesses suffered by individuals, which the commenter claims are due to the environment in which they are living; worry regarding what is stored in the warehouses and the supposed lack of annual inspections; concern over the residences that are adjacent to heavily traffic streets and HVAC equipment; potential air pollution exposure for the residences along truck routes; and concern that values for the homes along truck paths and near the project would go down. With regard to the incidences of illnesses suffered by individuals, the stories are anecdotal and cannot be verified as to cause and effect.

With regard to storage of materials in warehouses and annual inspections, Section 4.8.2 of the DEIR explains all of the existing federal, state, county, and city policies and regulations that pertain to the

storage and handling of hazardous wastes and facility inspections. While the warehouse facilities themselves are not expected to utilize acutely hazardous materials, the possibility exists that such materials could be stored or transported to and from the project site. Both the Federal Government and the State of California require all businesses that handle more than a specified amount of hazardous materials or extremely hazardous materials to submit a Hazardous Materials Business Emergency Plan (HMBEP) to the local Certified Unified Program Agency (CUPA). The CUPA with responsibility for the City of Moreno Valley is the County of Riverside Community Health Agency, Department of Environmental Health. The HMBEP must include an inventory of the hazardous materials used in the facility, and emergency response plans and procedures to be used in the event of a significant or threatened significant release of a hazardous material. The HMBEP must also include the Material Safety Data Sheet for each hazardous and potentially hazardous substance used. The Material Safety Data Sheets summarize the physical and chemical properties of the substances and their health impacts. The plan also requires immediate notification to all appropriate agencies and personnel of a release, identification of local emergency medical assistance appropriate for potential accident scenarios, contact information of all company emergency coordinators of the business, a listing and location of emergency equipment at the business, an evacuation plan, and a training program for business personnel. Though the uses in the project area are not expected to utilize acutely hazardous materials in their daily operation, a potential for an accidental release of hazardous materials into the environment is present at the project site as it is at any commercial, retail, or industrial site. Compliance with the identified state and federal transportation safety standards will govern the handling of hazardous materials during truck and freight transfer operations. These standards include procedures to contain, report, and remediate any accidental spill or release of hazardous materials. The handling of hazardous materials in accordance with all applicable local, state, and federal standards, ordinances, and regulations will ensure that impacts associated with environmental and health hazards related to an accidental release of hazardous materials at the project site will be less than significant and no mitigation is required.

With regard to the potential for air pollutant exposures for residences along truck routes, a major feature of the plan is a road system that directs all heavy truck traffic to and from State Route 60 (SR-60) and Gilman Springs Road, eliminating the need to travel through residential areas to the west. Redlands Boulevard south of Eucalyptus Street and Cactus Avenue are not designated Truck Routes. Cactus Avenue will be designed to prohibit use by heavy trucks. The air quality impact analyses contained in the DEIR and revised analysis examined potential air quality impacts from the project. Based on the revised analysis, the air quality impacts outside of the project boundaries including the impacts from truck traffic originated from the project were found to be less than the South Coast Air Quality Management District's (SCAQMD) air quality significance thresholds.

While it is not possible to determine the impact of home values along designated trucks routes and that such economic issues are beyond the scope of California Environmental Quality Act (CEQA), it is important to note that the proposed project is not establishing any new truck routes. In fact, the proposed project will sever some truck routes, such as Alessandro, in order to prevent trucks from the proposed project from traveling through neighborhoods.

Response to Comment G-17-4. The original employment estimates for the Highland Fairview Corporate Park, which includes the Skechers warehouse, was on the order of 2,500 employees at full occupancy, however, the Skechers warehouse is only a part of that project's land use, and the current economy necessitates less than full activity for the Skechers facility at this time, which may be contributing to the lower numbers of employees cited by the commenter.

Section 4.13, *Population, Housing, and Employment*, of the DEIR presents detailed information and analyses on the potential number of jobs that could be generated by the WLC project over time. These estimates are based on extensive surveys and collecting data available from the logistics industry, and are different than "standard" or more historical types of warehousing uses (i.e.,

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

compared to more high tech logistics warehousing). An extensive analysis of employment issues, including those expressed by these commenters, is included in Responses G-3-1 and G-3-2 to Letter G-3 (Scott Thompson).

Response to Comment G-17-5. Despite the fact that specific facility operators generally do not reveal their operating conditions or personnel information, actual industrial project information was used for the WLC project fiscal studies when it was available. In addition to the fiscal study prepared by David Taussig & Associates (DTA)(FEIR Volume 2 Appendix O-1), an independent fiscal assessment was prepared by Beacon (FEIR Volume 2 Appendix O-4). Exhibit A-9 of the Beacon study indicates approximately \$1.8 million in annual/recurring operation and maintenance costs to support the WLC project. For a discussion of one-time fees and charges, please see the text of the Beacon study. Specifically, the capital outlays will be offset by the tens of millions in development impact and permitting fees that will be paid by future development within the WLC Specific Plan area.

Response to Comment G-17-6. The DEIR identified a number of significant environmental impacts associated with the proposed WLC project. Therefore, approval of the project will require the City Council to adopt a Statement of Overriding Considerations explaining what project benefits outweigh the identified significant impacts of the project. Finally, the City Council will consider all stated opinions and comments on the project and Environmental Impact Report (EIR) prior to making any decisions regarding the proposed WLC project.

Letter G-18: Sam Ziady (March 24, 2013)

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THE FORMULA FOR LIFELONG EDUCATION

Newberry County Library System

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Newberry, South Carolina 29108-3416

(803) 276-0854 ext. 111

T. Sam Ziady, Director

sziady@newberrycounty.net

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APR 1 - 2013

CITY OF MORENO VALLEY
Planning Division

March 14, 2013

Dear Sir,

I would like to take this opportunity to comment on the "World Logistics Center" planned for eastern Moreno Valley. I own a home in the Mission Grove neighborhood of Riverside that is located very near Alessandro Boulevard. I hope to retire there in nine years.

To lessen the negative impact of the development I would like to see railroad service extended through out the development. This would include freight and a passenger transit station. Rail is the most energy efficient method of moving freight and reduces the number of needed trucks and cars.

To mitigate the negative impact on wildlife the developer needs to create a wildlife corridor connecting Yosemite Canyon Wilderness Park and Box Springs Park. This would help lessen the impact of the increased traffic on wildlife created by the development.

The developer of the "World Logistics Center" needs to be held responsible for the impact of his actions on the entire Inland Empire region.

Sincerely,
T. Sam Ziady

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RESPONSES TO LETTER G-18

Sam Ziady

Response to Comment G-18-1. The commenter is requesting extensive rail service extended or added to the World Logistics Center (WLC) project site and area. The commenter is correct that overall, rail service is more energy efficient than truck service for warehousing. However, other private commenters (e.g., Letter G-2 from Perry Johnson, Letter G-17 from Joanne Lindgren) have strongly discouraged any addition of rail service to this area due to the increased air pollutant impacts it would create over both the short- and long-term. The WLC project area, if built out as logistics warehousing, would not have a population density anywhere near high enough to support commuter or passenger rail, and the impacts associated with extending rail to the project site would be considerable, especially since there is no current right-of-way for rail service to the project site from any direction. See Traffic Impact Analysis (TIA) Section 4.F for further analysis.

Response to Comment G-18-2. The Sycamore Canyon Wilderness Park and the Box Springs Mountain Park are separated by rural and suburban residential development/neighborhoods, and it would be problematic at best to attempt connecting these open space areas. More importantly, the Draft Environmental Impact Report (DEIR) did not identify any specific impacts of the proposed WLC project on either of these open space areas, so there would be no justification for mitigation involving their connection, regardless of whether such connection provided benefits for area wildlife.

Response to Comment G-18-3. Comment on responsibility not related to issues addressed in the Environmental Impact Report (EIR). However, the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-19: Betty Masters (email) (April 3, 2013)

From: Betty Masters [<mailto:mastersb@att.net>]

Sent: Wednesday, April 03, 2013 11:28 PM

To: 'markg' (markg@moval.org<<mailto:markg@moval.org>>)

Subject: Official Comments for the DEIR for WLC

I am absolutely opposed to the World Logistic Center in Moreno Valley after hearing the well-researched reports on the negative impacts of such developments. I attended the information meeting on March 9, 2013, and am convinced that the health risks (cancer, asthma, autism,...) from increased pollution of thousands of trucks a day should be a sufficient reason to stop this project. Our area already suffers from the Mira Loma pollution due to a significant increase in truck traffic to the warehouses there. Air pollution in Mira Loma is fourth worst in the WORLD and that pollution blows through our valley on most days. Mira Loma residents are suffering and cannot restore the quality of life enjoyed before the massive warehouses were built. Now is the time to stop the WLC in Moreno Valley, not after the warehouses are filled with unknown contents hauled in by thousands of polluting, noisy diesel trucks that clog city streets and cost the cash short city money to repair the truck damage. Mira Loma can only try to mitigate the many problems of air quality, noise pollution and congestion of streets. Proponents claim "good paying jobs" will result from the WLC; however, Sketchers workers were moved from their Ontario facility and the estimated 2,500 are actually about 500. Only one new job was created for a Moreno Valley resident. Working conditions at warehouses are generally poor, wages minimal, and benefits are non-existent for the majority of workers who are employed by temporary employment agencies, not by retail companies directly. Any claim that the city will

benefit from increased revenues is likely to be wishful thinking as residents of Mira Loma understand. Home values near warehouses plummeted. Businesses also are reluctant to locate nearby except those related to truck repairs and trucker interests. The land for WLC in Moreno Valley was changed from residential housing to industrial use without most residents understanding the drastic effect on their lives. Information is still being disseminated to those impacted by the WLC proposal. I live 3 homes away from I-215/60 East. The University City residents I contacted today are surprised by the WLC proposal and several are opposed to it, but their opposition is likely to be stated after they attend an information meeting that is scheduled at 6pm next Monday-too late for their e-mails to you . They do plan to attend the next information session on April 13 at Valley View HS. Our entire community will suffer from pollution of diesel exhaust as thousands of trucks per day slow down as they go up the Box Springs grade. As more is known of the microscopic particles in diesel pollutants, the more necessary it is to STOP construction of warehouses in the Riverside and San Bernardino valleys where the level of pollution is already dangerous to our health within 10 miles of the truck transportation corridor. Please allow more residents of affected areas to be informed of the WLC proposal. Residents all along I-60, I-215, I-10, I-15 in the Mira Loma to Moreno Valley warehouses and eastward need to have the facts about the impacts of this project on health, traffic congestion, noise, quality of life, and property values.

Please send me confirmation of receipt of this e-mail. Thank you for your assistance.

Betty Masters e-mail: mastersb@att.net<mailto:mastersb@att.net>

RESPONSES TO LETTER G-19

Betty Masters

Response to Comment G-19-1. Section 4.4 of the Draft Environmental Impact Report (DEIR) provided a very detailed evaluation of the anticipated air quality impacts of the World Logistics Center (WLC) project, which was based on a scientific study of air pollution, health risks, and greenhouse gas impacts of the project by Michael Brandman Associates (MBA). (DEIR Appendix D). The DEIR identified a number of significant environmental impacts associated with the proposed WLC project, including air quality. Therefore, approval of the project will require the City Council to adopt a Statement of Overriding Considerations explaining what project benefits outweigh the identified significant impacts of the project. For a thorough evaluation of similar comments regarding air quality, health risks, diesel particulates, etc., the reader is referred to the Master Responses in Letter C-3 from the South Coast Air Quality Management District (SCAQMD).

Response to Comment G-19-2. The original employment estimates for the Highland Fairview Corporate Park, which includes the Skechers warehouse, was on the order of 2,500 employees at full occupancy, however, the Skechers warehouse is only a part of that project's land use, and the current economy necessitates less than full activity for the Skechers facility at this time, which may be contributing to the lower numbers of employees cited by the commenter.

Section 4.13, *Population, Housing, and Employment*, of the DEIR presents detailed information and analyses on the potential number of jobs that could be generated by the WLC project over time. These estimates are based on extensive surveys and collecting data available from the logistics industry, and are different than "standard" or more historical types of warehousing uses (i.e., compared to more high tech logistics warehousing). An extensive analysis of employment issues, including those expressed by these commenters, is included in Responses G-3-1 and G-3-2 to Letter G-3 (Scott Thompson).

Response to Comment G-19-3. The DEIR was advertised in the Press Enterprise, a newspaper of local distribution, and posted on the City's website. There have been numerous articles in the local Moreno Valley newspaper and the Riverside Press Enterprise about the WLC project and that an EIR was being prepared. There have been several public meetings advertised City-wide regarding the WLC project at which City residents or any interested persons could obtain information about the WLC project.

Response to Comment G-19-4. The commenter makes a number of statements about air pollutant impacts of the project, especially relative to diesel particulate matter and other pollutants most directly associated with diesel truck exhaust. Much of the information is relative to the Mira Loma area which contains a large number of older more "standard" warehouses (see Response to Comment G-19-2 above). However, the warehousing proposed for the WLC project will be more automated and newer truck fleets have substantially reduced diesel emissions than older truck fleets. For a thorough evaluation of similar comments regarding air quality, health risks, diesel particulates, etc., the reader is referred to the Master Responses in Letter C-3 from the South Coast Air Quality Management District.

Regarding regional notification about the project, there is no California Environmental Quality Act (CEQA) requirement to legally notify residents along the freeways that would have project traffic of the WLC project or the EIR. However, it should be noted that this project has received national attention from the news media and conservation organizations, and has been the subject of more than one newscast on National Public Radio during the summer of 2013. There has been sufficient public notification regarding this project.

Letter G-20: Jack Weleba (April 5, 2013)

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terell,

I am a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

1

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

2

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

3

The previous statements express my feelings but I have added a few thoughts of my own to address the disgust I have for the disregard of the people's continued disregard of our natural resources and the decline of our wetlands, which by all accounts, are vital not only to those creatures that inhabit them but to all of us who depend on them for the cleansing of our environment.

This seems to be a poorly thought out development in an area that has been designated one of the only two areas in southern California set aside for the benefit of not only waterfowl on their migrations , but for the many other species that inhabit and use these pristine locations. These lands which have been saved from past developments through the hard work and dedication of not only hunters but all those who cherish the outdoors and respect the need for declining areas for the wildlife of California. We have as a whole the need and the responsibility to save what little areas that remain as a place for these creatures. To implement this new development in this area is a shame and an affront to the respect development has shown for those who cannot speak for themselves.

4

Yours truly,

Jack Weleba

Senior Structural Designer

Pasadena , California

RESPONSES TO LETTER G-20

Jack Weleba

Note: This letter was used by a number of residents as a template for submitting their own comment letters, so responses have been drafted to address all of these comments in one letter to avoid duplication.

Response to Comment G-20-1. The World Logistics Center Specific Plan (WLCSP) does not include any public lands, including any portion of the San Jacinto Wildlife Area (SJWA), as a form of mitigation. 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 CDFW Conservation Buffer Area. The 910-acre portion of the project area owned by the State is being rezoned to “open space.” It is California Department of Fish and Wildlife (CDFW) land acquired as a buffer (and for other reasons as well), between the high quality SJWA habitat and any proposed development to the north. Calling it the CDFW Conservation Buffer Area is not inaccurate or misleading.

The DEIR provides an assessment of both direct impacts associated with the WLCSP through the proposed construction of logistics facilities and provides an assessment of any direct or indirect impacts associated with the General Plan Amendment associated with the 910 acres of CDFW lands and the San Diego Gas and Electric (SDG&E) rezoning. Since the rezoning would have no direct impacts, no further discussion was considered necessary. A requirement of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) in Section 6.4.1 calls for an analysis of any Urban/Wildlands Interface issues. This is specifically stated to cover indirect impacts within conserved areas or areas considered for conservation under the MSHCP. This analysis was completed in the MSHCP Consistency Analysis (FCS-MBA 2013). The analysis covers indirect impact issues regarding light, noise, trash, emissions, vectors, fuel management, runoff and water quality, as outlined in appropriate sections of the DEIR (e.g., 4.1, *Aesthetics*, addresses night lighting facing the SJWA), although most potential impacts to the SJWA are addressed in Section 4.4, *Biological Resources*. There will be no direct impacts to any portion of the SJWA as part of the WLCSP and no mitigation measures are required.

It is a defined term in the DEIR (Section 4.4.1.16) and the commenter misunderstands the relationship of the state conservation land south of the WLCSP property. The 1000 acres south of the WLCSP property was purchased from or out of the Moreno Highlands Specific Plan (MHSP) property. The minutes from the Wildlife Conservation Board action at that time specifically says it will act as a buffer from planned urban development (i.e., at that time the rest of the MHSP). The existing state conservation land is being rezoned as part of the discretionary actions requested by the WLC project because at present those lands are still zoned for a golf course and various residential uses under the Moreno Highlands Specific Plan.

Response to Comment G-20-2. The commenter expressed concern about project traffic, diesel emissions, and light impacts on the wildlife area adjacent to the WLC. The DEIR and technical studies evaluated the project’s potential impacts regarding traffic In Section 4.15 of the DEIR and concluded there were no significant impacts in the wildlife area because there are no roads in the San Jacinto Wildlife Area. The DEIR and technical studies also evaluated the project’s potential impacts regarding air pollutants, including diesel emissions. Sections 4.3 and 4.4 of the DEIR addressed air quality and biological resources and determined project impacts on the wildlife area were less than significant. The DEIR also examined the lighting impacts of the project on the adjacent San Jacinto Wildlife Area (Section 4.1, *Aesthetics*, and 4.4, *Biological Resources*) and determined impacts were less than significant.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-20-3. The commenter worries about balancing jobs against loss of wildlife. The DEIR evaluated potential new employment as well as impacts, both direct and indirect, to wildlife in the San Jacinto Wildlife Area south of the WLC property. It determined that impacts to wildlife would be less than significant with the proposed buffer and other mitigation. The City Council will weigh all comments on the DEIR and the results of the EIR regarding significant impacts, and determine if the benefits of the project outweigh the environmental impacts. A Statement of Overriding Considerations will be needed if the City Council decides to approve the WLC project as currently outlined.

Response to Comment G-20-4. The commenter expresses concern for the loss of wetlands in the state and that this project will have serious impacts on Mystic Lake and the San Jacinto Wildlife Area. As outlined in the Response to Comment B-3-3, the DEIR evaluated potential impacts to wildlife in the SJWA and Mystic Lake. It determined that impacts to wildlife would be less than significant with the proposed buffer and other mitigation. The City Council will weigh all comments on the DEIR and the results of the EIR regarding significant impacts, and determine if the benefits of the project outweigh the environmental impacts. A Statement of Overriding Considerations will be needed if the City Council decides to approve the WLC project as currently outlined.

Letter G-21: Skete Simmons (April 5, 2013)

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terell,

I am a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

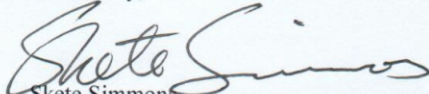
The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

Yours truly,


Skete Simmons

RESPONSES TO LETTER G-21

Skete Simmons

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-21-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-21-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-21-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-22: Curt Perry (April 5, 2013)

Curt Perry
2718 Azalea Drive
San Diego, CA 92106

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terell,

I am a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

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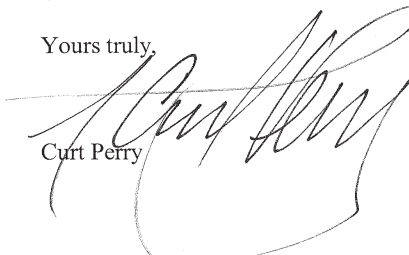
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This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

Yours truly,

Curt Perry



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RESPONSES TO LETTER G-22

Curt Perry

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-22-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-22-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-22-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-23: Jeff Hamman (April 5, 2013)

John Terrell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terrell,

I am a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a “Conservation buffer”. There is no such entity and the area described within this “Conservation buffer” is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

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The EIR must address these issues, correctly identify the false “CDFW Conservation Buffer” as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

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This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

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This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

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Yours truly,

Jeff “Hoss” Hamman

RESPONSES TO LETTER G-23

Jeff Hamman

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-23-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-23-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-23-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-24: Jeff Dandridge (April 5, 2013)

April 5, 2013

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terell,

I am a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

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This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

Yours truly,



Jeff Dandridge

(626) 437-7034

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RESPONSES TO LETTER G-24

Jeff Dandridge

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-24-1. See Response to Comment G-20-1 for a more detailed response to this comment.

Response to Comment G-24-2. See Response to Comment G-20-2 for a more detailed response to this comment.

Response to Comment G-24-3. See Response to Comment G-20-3 for a more detailed response to this comment.

Letter G-25: Mark Mcmorris (April 5, 2013)

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terell,

(Mark McMorris)
I am a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

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This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

Yours truly,



(Mark Morris)

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RESPONSES TO LETTER G-25

Mark McMorris

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-25-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-25-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-25-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-26: Michael Marshall (April 5, 2013)

April 5, 2012

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terell,

I am a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

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The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

1

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

2

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

3

Yours truly,

Michael W. Marshall, DDS

RESPONSES TO LETTER G-26

Michael Marshall

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-26-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-26-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-26-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-27: Radene Hiers (email) (April 6, 2013)

-----Original Message-----

From: honeyhiers7@verizon.net [<mailto:honeyhiers7@verizon.net>]

Sent: Saturday, April 06, 2013 10:21 PM

To: Mark Gross

Subject: Official DEIR Comments on the World Logistic Center

I am opposed to the World Logistic Center for several reasons:

1. Negative environmental impact as shown by the DEIR. I live adjacent to March Air Reserve Base which I believe has already caused medical problems with my children & pets. Do not want additional hazards in my community.
2. Economic injustice - Warehousing is generally planned in economically depressed areas where there is a source of those willing to work low paying jobs. Warehousing does not produce jobs that pay a living wage and have a history of employee abuse. Temporary employment is the major source of warehouse jobs. They offer no benefits, no protection for on the job injuries, nor the means to support a family. Many warehouse employees rely on additional government help (cash, food stamps, Medi-Cal). Taxpayers shouldering what the employer should be paying. Need jobs that pay a living wage for our city to prosper. Wages that empower employees to buy homes in our city and become part of our community.

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3. The developer has a history of shouldering the community's taxpayer with fees he should be paying. There are not even any recreational trails showing on the WLC plans and the developer has made successful attempts to avoid his financial responsibility for these community improvements. 3
4. Infrastructure - who is going to pay for the necessary improvements? As shown, the developer will not. Just another taxpayer expense with no clear advantage 4
5. Deviation of City's General Plan. I consider this deviation breaking a contract between the city officials and those who have invested in our community. 5
6. Warehousing offers no benefit. If a deviation of the General Plan was necessary, I would have preferred a sports complex, performing arts center, or both. 6

A 27 year homeowner in Moreno Valley,

Radene Ramos Hiers
 24460 Electra Court
 Moreno Valley, CA 92551
 (951) 488-0547
 Sent from my Verizon Wireless BlackBerry

RESPONSES TO LETTER G-27

Radene Hiers

Response to Comment G-27-1. The commenter merely states their opposition to the World Logistics Center (WLC) project because of the negative environmental impacts. Many of the comments regarding impacts of the WLC project on the overall quality of life and health, specifically air quality and traffic, were addressed in the Draft Environmental Impact Report (DEIR) Sections 4.4 and 4.15, respectively. The DEIR concluded that air quality and traffic impacts would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-27-2. The commenter emphasizes that warehousing is not a source of good well-paying jobs. DEIR Section 4.10.5.2, examines the employment and revenue-generating capabilities of the proposed project relative to existing conditions in the City of Moreno Valley. The City currently has high unemployment and the WLC project would help provide thousands of part-time and full-time positions as development occurred within the World Logistics Center Specific Plan (WLCSP). Wages for jobs within the WLC would naturally vary depending on hours and skill levels. The commenter is encouraged to review the cited section of the DEIR, as well as the three reports in DEIR Appendix O for more accurate information on anticipated revenues and jobs within the WLC project.

Response to Comment G-27-3. The commenter emphasizes the past history of the project developer and that there will be no trails in the project. Personal comments on the applicant for this project are not germane to the EIR or California Environmental Quality Act (CEQA) process and will not be addressed in these responses.

Regarding trails, the original project evaluated in the DEIR did propose a recreational trail along the boundary of the proposed open space area in the southwestern portion of the site. In addition, the commenter is referred to Section 1.3 of this Final Environmental Impact Report (FEIR) and the revised WLC Specific Plan (SP) (FEIR Appendix H) which describe the most current proposed trail through the southwestern portion of the WLC project which will connect to existing trails to the west (along Cactus and Redlands) and south (to the San Jacinto Wildlife Area (SJWA) and Mystic Lake).

Response to Comment G-27-4. The commenter asks who will pay for the infrastructure and complains that the General Plan should not be changed. Future development within the WLCSP will be required to fund their fair share of infrastructure improvement costs as part of the City's development review process. The City will not be expected to build or fund infrastructure in this area. The mitigation measures (MM) in Section 4.15 of the DEIR require installation of various infrastructure improvements and payment of Development Impact Fees (DIF) for infrastructure, including roads.

Response to Comment G-27-5. The City's General Plan allows for revision and updating as needed, and the DEIR provides an analysis of General Plan consistency in each environmental topic (Sections 4.1 through 4.16). The WLC project does represent a fundamental change in the planned land uses for this area, however, the review and approval process for a Specific Plan, such as the WLCSP, always requires a review of existing General Plan policies to make sure the proposed action is consistent with the General Plan, or a General Plan Amendment is required. Such was the case with the proposed WLC project.

Response to Comment G-27-6. The comment does not apply to the EIR analysis or conclusions, but is a personal observations about the project and project review process. The DEIR concluded that a

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-28: Clinton Blain (email) (April 5, 2013)

CLINTON L. BLAIN

Attorney at Law

3990 Old Town Avenue, Suite B-101
San Diego, California 92110

(619) 584-1600 Telephone
(619) 584-1601 Facsimile
E-Mail: cb@blainlaw.com

April 5, 2013

Via Email: markg@moval.org

Mark Gross, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Gross:

I am a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

Mark Gross
April 5, 2013
Page 2

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

Sincerely,



Clinton L. Blain

CLB/pgp

cc: John Terrell (via email: johnT@moval.org)

RESPONSES TO LETTER G-28

Clinton Blain

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-28-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-28-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-28-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-29: Stephen Coates (email) (April 5, 2013)

Dear Mr. Terrell,

I have had the pleasure of being a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a “Conservation buffer”. There is no such entity and the area described within this “Conservation buffer” is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

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The EIR must address these issues, correctly identify the false “CDFW Conservation Buffer” as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

Yours truly,

Dr. Stephen Coates
5400 E. El Jardin
Long Beach, CA 90815

RESPONSES TO LETTER G-29

Stephen Coates

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-29-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-29-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-29-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-30: Robie and Douglas Coffing (email) (April 7, 2013)

From: Robie and Doug Coffing [<mailto:lhgr1@aol.com>]

Sent: Sunday, April 07, 2013 11:45 AM

To: Mark Gross; John Terell

Subject: World Logistic Center DEIR

Dear Mr. Gross and Mr. Terell,

I am a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

Yours truly,

Douglas J. Coffing
949 521 0049
52 Foxtail Lane
Dove Canyon, CA 92679

Letter G-30

RESPONSES TO LETTER G-30

Robie and Douglas Coffing

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-30-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-30-2. See Response G to Comment -20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-30-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-31: Darryl Lafayette (email) (April 7, 2013)

From: darryl96@aol.com [<mailto:darryl96@aol.com>]

Letter G-31

Sent: Sunday, April 07, 2013 7:41 PM

To: Mark Gross

Subject: World Logistic Center DEIR

April 7, 2013

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terell,

I am a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

2

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

3

Yours truly,

Darryl LaFayette

RESPONSES TO LETTER G-31

Darryl LaFayette

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-31-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-31-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-31-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-32: Barbara and Bryon Johnson (email) (April 3, 2013)

From: Barbara & Byron Johnson [<mailto:myscubashp@aol.com>]

Sent: Wednesday, April 03, 2013 10:05 AM

To: Mark Gross

Subject: Official Comments for the DIER for the WLC

Mark: There was an article in the PRESS last week stating that the area around San Jacinto has an exceptually high rate of lung disease.

The past weeks the fog was exceptionally dense over Mystic Lake. This in not unusual. NOW, think of the large number of trucks

the WLC project will use...coughing poison fumes which will combine withe natural smog and float down the valley to SJ, Hemet and

other communities. I just hope the wind doesn't blow those fumes to the near west. That is where I live...along with a lot of other Moreno Valley residents.

1

Byron Johnson
14707 Grandview Dr.
951-243-5605

RESPONSES TO LETTER G-32

Barbara and Bryon Johnson

Response to Comment G-32-1. The commenter notes the possibility of emissions truck emissions from the project mixing with natural fog in the San Jacinto-Hemet area.

While it is certainly possible for fog to form in the Mystic Lake area on occasion, the project's emissions would more than likely be dispersed to background pollutant levels (levels unaffected by the project) well away from the residential areas of San Jacinto (9 miles away) and Hemet (13 miles away).

Letter G-33: Tom Behrens (email) (April 8, 2013)

Mr Terell and Mr Gross,

I oppose the World Logistic Center Project for the following reasons,

- 1. I do not feel that the city has looked fully into the long term effects this project will have on the residents of this city nor is the city looking out for the interest of its citizens.] 1
- 2. This project will increase traffic on the 60 freeway and arterial streets by hundreds if not thousands of vehicles day the 60 freeway can not handle this added traffic daily and the traffic will be using arterial streets as alternatives I do not think the city streets have been designed for this type of continues traffic use.] 2
- 3. Noise will be a concern as traffic will use the arterial streets which run through residential areas.] 3
- 4 Safety will be a concern as trucks use arterial streets to bypass the heavy traffic on the 60 freeway they will pass many school zones on Ironwood such as Box Springs Elementary, Palm Middle School, Calvery Chapel Christian School to name a few.] 4
- 4. Air quality will be a major concern with the added traffic most of the emmissions and soot from the trucks will linger in the valley to the south of the proposed project and may continue into the San Jacinto Valley.] 5
- 5. The views of the valley will be lost after the project is completed.] 6
- 6. The warehousing operations are modern and automated which will reduce jobs not increase jobs this was evident with Skecthers.] 7
- 7 Most of the jobs will be performed by temporary employees not permanent employs the helps keep cost down for the employers and make personal adjustments as necessary for the work load.] 8

8. There is nothing firm that city residents will be hired to work in these warehouse positions.] 9
- 9.. There are no truck stops in Moreno Valley so there will be very little tax revenue from fuel purchase but these large truck will be using the cities roads causing damage.] 10

Tom Behrens
tom.behrens@verizon.net
24040 Kernwood Drive
Moreno Valley, CA 92557

To: Mr. Terrell
Mr. Gross

April 7, 2013

Re: World Logistics Center Project, Moreno Valley California
SCH # 2012021045

MR. Terrell and Mr. Gross

I would like to comment on a few of the issues in the EIR report that was prepared for the World Logistic Center.

- | | | |
|---------|---|----|
| 4.1.6.1 | The views in this area can be very spectacular at certain times of the year that would be a great loss if this project were to be approved. | 11 |
| 4.2.6.1 | The east end of Moreno valley is the last area that has large open space and it should try to be preserved as such. If this project is allowed to proceed there will most likely be zoning changes in the future that will prevent residents from having livestock. | 12 |
| 4.3.6.1 | Air quality is a concern for everyone if approved this project will see a huge increase in truck traffic and also equipment used in and around the warehouse areas there will be idling trucks along roadways waiting to enter the yards increasing emission into the air which will linger in the valley to the south of this area. (This is a concern in Mira Loma) | 13 |
| 4.3.6.4 | Long term air quality should be a number 1 priority. There should not be large increases in emissions, exploring possibilities for reducing emissions should be of the highest priority. | 14 |

RESPONSES TO LETTER G-33

Tom Behrens

Response to Comment G-33-1. The commenter believes the City is not concerned about the long-term effects of the project or the interests of City residents. The Draft Environmental Impact Report (DEIR) evaluates the entire spectrum of potential environmental impacts of the project, and many impacts remain significant, even with implementation of recommended mitigation, mainly due to the size and nature of the project. It is up to the City Council to weigh the estimated benefits of the project against the potential environmental impacts of the project before making a decision on the project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Response to Comment G-33-2. Section 4.15, *Traffic and Circulation*, of the DEIR evaluates the potential traffic impacts of the project on surrounding roads, intersections, and freeways including SR-60 within the City of Moreno Valley and surrounding jurisdictions (e.g., Redlands, Riverside, Perris, etc.). An extensive analysis of traffic-related issues, including those expressed by these commenters, is included in the Responses to Comments F-11-22. The commenters are encouraged to review the specific responses to Letter F-11.

Response to Comment G-33-3. The commenter is concerned about noise on City streets from project traffic. The project noise report (DEIR Appendix K) and the DEIR Section 4.12, *Noise*, assess the potential impacts of project traffic and related noise on local streets. It must be remembered that project trucks will be restricted to established truck routes in the City, and most project trucks will utilize Theodore, SR-60, and Gilman Springs Road for project access. The EIR identifies which local streets will require mitigation such as sound walls, and also a funding mechanism to provide the identified improvements. Truck traffic is barred from going through residential areas west and south of the project site.

Response to Comment G-33-4. Section 4.15, *Traffic and Circulation*, of the DEIR evaluates the potential traffic impacts of the project on surrounding roads, intersections, and freeways including SR-60 within the City of Moreno Valley and surrounding jurisdictions (e.g., Redlands, Riverside, Perris, etc.). An extensive analysis of traffic-related issues, including those expressed by these commenters, is included in the Responses to Comments F-11-36. The commenter is encouraged to review the specific responses to Letter F-11 relative to his own expressed concerns.

Response to Comment G-33-5. Section 4.3, *Air Quality*, of the DEIR evaluates potential air quality and health risk impacts of the proposed project, including diesel particulate matter from diesel truck exhaust and the project's location. An extensive analysis of air quality and health risk-related issues, including those expressed by these commenters, is included in the Master Responses in Letter C-3.

Response to Comment G-33-6. Section 4.1, *Aesthetics*, of the DEIR evaluates the potential aesthetic impacts of the project on neighboring residences and land uses, including views from locally designated scenic routes (SR-60 and Gilman Springs Road). In addition, MM 4.1.6.3A has been modified to preserve the upper two thirds of views of Mt. Russell (refer to Response to Comment F-8-3).

Response to Comment G-33-7. Section 4.13, *Population, Housing, and Employment*, of the DEIR presents detailed information and analyses on the potential number of jobs that could be generated by the WLC project over time. These estimates are based on extensive surveys and collecting data available from the logistics industry, and are different than "standard" or more historical types of warehousing uses (i.e., compared to more high tech logistics warehousing). An extensive analysis of

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

employment issues, including those expressed by these commenters, is included in the Responses to Comments F-8-105 and F-3-12.

Response to Comment G-33-8. The commenter believes most of the project jobs will be temporary. The project will hire thousands of construction workers as development occurs consistent with the Specific Plan over a period of at least 15 years. In comparison, the warehouses that will be built as part of the WLC project will hire both part-time (not necessarily temporary) and full-time workers, as outlined in the project economic study (DTA 2014) and Section 4.13, *Population, Housing, and Employment*, in the DEIR.

Response to Comment G-33-9. The commenter says there is nothing to require the project to hire City residents. Future users cannot be legally required to hire City residents, and there is no significant employment impact identified in Section 4.13 of the DEIR that requires mitigation. The Development Agreement includes a provisions for a Local Hiring Program.

Response to Comment G-33-10. The new alternative fueling station will generate tax revenues to the City based on the amount of fuel sold to alternative fuel trucks.

Response to Comment G-33-11. The commenter is concerned about loss of views (DEIR Section 4.1.6.1). MM 4.1.6.3A has been modified to require WLC project buildings to not block the upper two thirds of the vertical view of Mt. Russell from the SR-60 Freeway. While this will not eliminate visual impacts of the project, it will substantially reduce them.

Response to Comment G-33-12. The commenter is concerned about the loss of open space and keeping livestock (DEIR Section 4.2.6.1). As the WLC project develops, the existing vacant dry-farmed land that represents the “open space” referred to by the commenter will be lost as it is replaced by large warehouse buildings. This would be an inevitable process if the project is approved by the City. The only persons able to keep livestock right now on the project site would be at the 7 rural residences, and it is anticipated these uses will slowly leave the site as it is developed with warehousing uses. The keeping of livestock on other land within the City would not be affected by the WLC project.

Response to Comment G-33-13. The commenter is concerned about truck emissions (DEIR Section 4.3.6.1). The DEIR identifies a number of air quality impacts of the project in DEIR Section 4.3, *Air Quality*, and its attendant technical study, and also recommends a variety of mitigation to reduce potential impacts. However, long-term air quality impacts will be significant due to the size and nature of the WLC project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Response to Comment G-33-14. The commenter expressed concern about long-term air quality (DEIR Section 4.3.6.4). The Response to Comment G-33-13 above addresses this concern as well.

Letter G-34: Lindsay Robinson (email) (April 7, 2013)

From: Lindsay Robinson [mailto:lindsay.robinson@ucr.edu]
Sent: Sunday, April 07, 2013 8:54 AM
To: Mark Gross
Cc: Lindsay Robinson
Subject: Official DEIR Comments for the World Logistics Center

To whom it may concern:

I am opposed to the World Logistics Center in Moreno Valley.

I have been a resident of Moreno Valley since 1997 and purchased my home after reviewing the general plan and zoning for my area. I SHOP Moreno Valley to support our city and tax base, and volunteer on a regular basis with non-profit organizations of many types. I used to encourage people to move here, but no more. Long time residents who can afford to move are doing so as they feel that the City Council has sold us out. Unfortunately for me, I don't know that I'll be able to afford to move so will suffer all the negative impacts this project will force on me.

I attended meetings when the new general plan was being developed. Residents and employees from throughout Moreno Valley participated in the process and came up with a well balanced general plan. This plan included a new high school at the eastern end of the city as well as keeping the zoning for large lots and animal keeping. It was a well thought out plan that was for the benefit of the residents and the city. That plan and zoning were changed once already to accommodate the Sketchers Warehouse. Mr. Benzeevi made lots of promises to the residents and city council in order to get that change and as most know, he did not fulfill his promises (beautiful freeway landscape, many jobs for residents, keeping the designated trail system etc). As most interested parties know, Mr. Benzeevi has also been very active in supplying funds to elect officials that will support him and he has been instrumental in getting

people removed who oppose his plans. Completely changing the general plan after all the hard work and cost goes against the residents and what is fair and honorable.

2

Many studies have been done that link diesel fumes with increased breathing problems especially with children and elderly people. Studies also show that there is a link to autism (Press Enterprise last week). Mira Loma has some of the worst air quality in the world and the Inland Empire is a basin that traps particulate matter and damages our health. Please look at all the studies provided by CEQE. It makes no sense to create such a large warehouse district in that area which is surrounded by mountains. Particulate matter travels quite far and will affect all the surrounding communities as well especially when the afternoon winds occur.

3

Additionally that location is unsuitable for increased numbers of trucks as the freeway narrows and winds thru the badlands to meet up with I-10. Accidents in either direction basically close down the narrow freeway, trapping commuters and forcing trucks and cars into residential neighborhoods to find alternate routes. Cities off the I-10 are consulting with Mr. Benzeevi and have stated in a recent Press Enterprise article that their airport district would be a suitable location for a mega-warehouse district. There is also rail line up there, Does that mean we'll be having 2 mega-warehouses within a short distance of each other? High volume truck traffic on narrow winding roads such as Redlands Blvd., San Timeteo Canyon, 60 Fwy east of Moreno Beach, Gilman Hot Springs etc is dangerous and should be taken into account when this project is examined. The residential areas were not designed for truck traffic and the city will not be able to afford to keep up with the repairs needed.

4

Having a mega-warehouse district this far removed from rail line also does not make any sense and again, this area was not planned for ware-houses. Changes in the Panama Canal will lessen the amount of cargo coming through LA not increase it. Why would any business want to truck to a warehouse so far from a rail line and then move it again by truck to the rail line. Economics says they won't.

5

Proponents of the warehouses keep touting high paying jobs and yet we all know that warehouses are automated now requiring fewer employees than ever- and the jobs for regular workers are not high paying. Mr. Benzeevi highly exaggerated the job creation and Sketchers always said they would be bringing their Ontario employees which again, meant few new jobs. The residents were proven correct when the jobs didn't materialize. Additionally during construction, liens were filed because of non-payment to construction companies and non-union electricians were used and the work had to be re-done by proper electricians. Are we going to have the same broken promises and shoddy business practices if this project goes through?

6

And lastly, how can a project of this magnitude be approved and allowed to go forward next to a wildlife preserve? Pollution effects on wildlife can be even more severe than on humans.

7

I realize the City Council of Moreno Valley has basically rubber stamped and approved this project before all the proper procedures were followed as demonstrated by their slide show last year. It's unfortunate that they are putting the wants of one person, Mr. Benzeevi, above the residents of Moreno Valley and surrounding cities who will all suffer if this project is allowed. I'll never understand this type of greed and dereliction of duty.

8

Thank you for allowing me to submit this in opposition to the World Logistics Center in Moreno Valley.

Lindsay Robinson
28399 Black Oak
Moreno Valley, CA 92555

RESPONSES TO LETTER G-34

Lindsay Robinson

Response to Comment G-34-1. The many potential environmental impacts of the proposed WLC project are fully evaluated in the Draft Environmental Impact Report (DEIR), including substantial changes to the general plan and zoning. The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Response to Comment G-34-2. The proposed WLC project includes a General Plan Amendment (GPA) that identifies those portions of the City's General Plan that will be revised if the WLC project is approved, and that GPA was evaluated in appropriate sections of the EIR (e.g., 4.10, *Land Use and Planning*). Also, the City does not have the authority to pick and choose which company can occupy which buildings, just as it cannot select which person can buy/rent which home in the City. The City regulates land uses, not individuals occupying specific parcels. The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-34-3. Section 4.3, *Air Quality*, of the DEIR evaluates potential air quality and health risk impacts of the proposed project, including diesel particulate matter from diesel truck exhaust and the project's location. An extensive analysis of air quality and health risk-related issues, including those expressed by these commenters, is included in the Master Responses in Letter C-3.

Response to Comment G-34-4. Section 4.15, *Traffic and Circulation*, of the DEIR evaluates the potential traffic impacts of the project on surrounding roads, intersections, and freeways including SR-60 within the City of Moreno Valley and surrounding jurisdictions (e.g., Redlands, Riverside, Perris, etc.). An extensive analysis of traffic-related issues, including those expressed by these commenters, is included in the Responses to Comments in Letters E-2A and E-2B. The commenter is encouraged to review the specific responses to those letters relative to his own expressed concerns.

Response to Comment G-34-5. The commenter is correct that the proposed project site is not close to a rail line. The widening of the Panama Canal will divert some of the present Los Angeles/Long Beach port traffic to ports on the Gulf Coast and East Coast. However, Ports of Los Angeles/Ports of Long Beach (POLA/POLB) will remain the nation's busiest shipping ports and will continue to expand as imports levels continue to grow in the future.

The provision of a rail service to the project site has been studied to determine if it is an alternative which will reduce the number of trucks driving between ports and the site, and therefore reduce the number of significant impacts. However, it has been determined that this alternative is not a viable option due to the following reasons. The WLC site is not currently served by rail and would need to be aligned to an existing branch. All possible alignments would cause impacts equal or greater than the projected truck traffic. It was also determined that for a rail service to be economical 50 percent of all shipments must be shipped 500 miles or greater on rail. Shipments to the WLC would only be travelling from the ports of Los Angeles and Long Beach, a distance of about 70 miles. Additionally, the existing rail system is already at or near maximum capacity. Therefore, shifting cargo from trucks on freeways to rail would transfer the congestion problem from stressed freeway systems to stressed rail networks. Finally, the reduction in truck traffic to the WLC is projected to be as little as 2 to 7 percent. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project. For further discussion of rail refer to section 4.F of the Traffic Impact Assessment (TIA) Appendix L.

Response to Comment G-34-6. Section 4.13, *Population, Housing, and Employment*, of the DEIR presents detailed information and analyses on the potential number of jobs that could be generated

by the WLC project over time. These estimates are based on extensive surveys and collecting data available from the logistics industry, and are different than “standard” or more historical types of warehousing uses (i.e., compared to more high tech logistics warehousing). An extensive analysis of employment issues, including those expressed by these commenters, is included in the Responses to Comments F-3-12 and F-8-94. The commenters are encouraged to review the specific responses to Letters F-3 and F-8.

Response to Comment G-34-7. Section 4.4, *Biological Resources*, of the DEIR examines potential impacts of the proposed project on existing vegetation and animals. It should be noted that the site generally lacks important biological resources (including wetlands) due to the historical and ongoing disturbance by agricultural activities. The DEIR also examined potential impacts on the nearby San Jacinto Wildlife Area and Mystic Lake, and determined that the project design, with proposed setbacks and landscaped buffers, and recommended mitigation measures would reduce potential impacts on these areas to less than significant levels. In addition, traffic and air quality impacts of the project were evaluated in DEIR Sections 4.15 and 4.3, respectively. Both were found to be significant, even with proposed mitigation, and will require a Statement of Overriding Considerations if the project is approved. The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-34-8. Most of the comments do not apply to the EIR analysis or conclusions, but are personal observations about the project and project review process. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-35: Peggy Hadaway and John Neal (email) (April 7, 2013)

From: Peg Hadaway [<mailto:phadaway@roadrunner.com>]

Sent: Sunday, April 07, 2013 12:56 PM

To: Mark Gross

Subject: FW: Official DEIR Comments for the World Logistics Center Projects

[Resent with corrected email address.](#)

From: Peg Hadaway [<mailto:phadaway@roadrunner.com>]

Sent: Sunday, April 7, 2013 12:08 PM

To: 'marg@moval.org'

Subject: Official DEIR Comments for the World Logistics Center Projects

We are adamantly opposed to the World Logistics Center Project for the following reasons:

1. Moreno Valley is already deeply in debt and close to bankruptcy. There is no disclosure of how much tax money that will be used for the project. Judging from past projects with the developer, it will be considerable. We can not afford this project!

1

2. The project ignores the state and the federal Clean Air Acts that severely limits the amounts of carcinogen and allergens that can pollute the air from any source in this part of southern California. Highway trucks are already a

2
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major source of carcinogen and allergen pollution. The World Logistics Center proposes radically increasing the number of these highway trucks into and out of Moreno Valley. This will be an air pollution disaster for Moreno Valley and all the surrounding towns and counties that will not be mitigated.

2

3. The greatest harm will be to the people of Moreno Valley, especially to the children. There will be enormous increase in diseases, such as cancers, asthma, bronchitis, emphysema, etc. Infants and small children will develop much more slowly both physically and mentally. This will affect them for the rest of their lives and even affect their own children as well. To intentionally and knowingly cause this harm is irresponsible and unconscionable.

3

4. The logistics industry recognizes that movement of product by highway trucks is no longer the most effective, economical, or desirable method. Instead, the use of movement by railroad is being promoted by all the forward thinkers and planners in the logistics industry.

4

5. The area designated by the developer for this project was and is zoned only for residential use. It should remain so. We need to honor our commitments to ourselves and to each other that we made when we agreed to the zoning plan.

5

In summary, the World Logistics Center project is in the wrong place at the wrong time and it will not work no matter how much the city council and the developer tries to make it work. We are residents and property owners and we care that Moreno Valley does not become even more culturally anemic than it is already. It is very telling that the developer himself gives as his address Rancho Ballago, and not Moreno Valley, even if it is not a legitimate mailing address.

6

Peggy Hadaway and John Neal

RESPONSES TO LETTER G-35

Peggy Hadaway and John Neal

Response to Comment G-35-1. The commenter is concerned about the City's financial condition and if it can "afford" the World Logistics Center (WLC) project. Draft Environmental Impact Report (DEIR) Section 4.13, *Population, Housing, and Employment*, analysis the various economic costs and benefits of the WLC project. The Development Agreement between the City and the developer will outline the responsibilities for constructing various infrastructure improvements to support the WLC project. The analysis shows projected fiscal revenues to the City of Moreno Valley totaling \$11.2 million dollar (Table 4.13.G) and projected fiscal costs of \$5.5 million dollar (Table 4.13.H). The Net Fiscal Impact based on recurring revenues and costs shows a \$5.7 million dollar surplus to the City which is equal to 2.03 times the project annual City General Fund costs. (Table 4.13.I). Infrastructure needed to support the demands of the project would be constructed by the developer.

Response to Comment G-35-2. The commenter is concerned about air quality impacts. However, the DEIR does not "ignore" federal and state laws regarding air pollution, but does estimate the amounts and types of air pollutants that can be expected during development and occupancy of the WLC project. Due to the size and type of project, it is estimated the project will have significant air quality impacts, even with implementation of the recommended mitigation measures (see DEIR Section 4.3 *Air Quality*). This information will be presented to the City Council, and they will consider all comments and responses in this Final Environmental Impact Report (FEIR) document, prior to making a decision on the project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Response to Comment G-35-3. Section 4.3, *Air Quality*, of the DEIR evaluates potential air quality and health risk impacts of the proposed project, including diesel particulate matter from diesel truck exhaust and the project's location. An extensive analysis of air quality and health risk-related issues, including those expressed by these commenters, is included in the Master Responses in Letter C-3.

Response to Comment G-35-4. The provision of a rail service to the project site has been studied to determine if it is an alternative which will reduce the number of trucks driving between ports and the site, and therefore reduce the number of significant impacts. However, it has been determined that this alternative is not a viable option due to the following reasons. The WLC site is not currently served by rail and would need to be aligned to an existing branch. All possible alignments would cause impacts equal or greater than the projected truck traffic. It was also determined that for a rail service to be economical 50 percent of all shipments must be shipped 500 miles or greater on rail. Shipments to the WLC would only be travelling from the ports of Los Angeles and Long Beach, a distance of about 70 miles. Additionally, the existing rail system is already at or near maximum capacity. Therefore, shifting cargo from trucks on freeways to rail would transfer the congestion problem from stressed freeway between systems to stressed rail networks. Finally, the reduction in truck traffic to the WLC is projected to be 2 and 7 percent over the next 50 years. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project. Refer to section 4.F of the Traffic Impact Assessment (TIA) FEIR Volume 2 Appendix L-1.

Response to Comment G-35-5. The proposed WLC project includes a General Plan Amendment (GPA) that identifies those portions of the City's General Plan that will be revised if the WLC project is approved, and that GPA was evaluated in appropriate sections of the EIR (e.g., 4.10, *Land Use and Planning*). The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-35-6. The comment does not apply to the EIR analysis or conclusions, but are personal observations about the project and project review process. The DEIR concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-36: Scott Heveran (2 emails) (April 7 and April 8, 2013)

From: Scott Heveran [<mailto:saidhev@rocketmail.com>]

Sent: Sunday, April 07, 2013 4:17 PM

To: Mark Gross

Subject: CEQA

Letter G-36

I'm not sure my previous comment was recieved . It is my belief from talking to my fellow residents that a future as a logistics hub is NOT desirable. Bringing mor warehouses to our city will brand is unfavorably linked to traffic and pollution

1

Sent from my iPhone

Mark Gross

From: Scott Heveran <saidhev@rocketmail.com>
Sent: Monday, April 08, 2013 2:24 PM
To: Mark Gross
Subject: Re: Comments in response toCEQA

My name is Scott J Heveran. I live at 12109 Swegles Ln 92557. My comments are: I am opposed to WLC because of the pollution and traffic it MUST bring with it. It is my opinion it will forever brand is as Morewarehouse Valley and think we can do a lot better by bringing renewable energy industry to Moreno Valley

↑ 2

Sent from my iPhone

On Apr 8, 2013, at 1:08 PM, Mark Gross <markg@moval.org> wrote:

> Good afternoon,

>

> There were no written comments or attachments provided with the e-mail. Please send any written comments to my attention. In order to add you to the mailing list and provide responses to comments within the Final Environmental Impact Report in disk format, please also provide your full name and address for our records.

>

> Thank you.

>

>

> Mark Gross, AICP

> Senior Planner

> City of Moreno Valley

> Community & Economic Development Department Planning Division

> 14177 Frederick Street

> P.O. Box 88005

> Moreno Valley, CA 92552-0805

> Tel: (951) 413-3215

> Fax: (951) 413-3210

> E-mail: markg@moval.org

> Web site: www.moreno-valley.ca.us

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> Thank you.

> -----Original Message-----

> From: Scott Heveran [<mailto:saidhev@rocketmail.com>]

> Sent: Friday, April 05, 2013 7:45 PM

> To: City of Moreno Valley

> Cc: Mark Gross

> Subject: Comments in response toCEQA

>

>

>

> Sent from my iPhone

RESPONSES TO LETTER G-36

Scott Heveran

Response to Comment G-36-1. Many of the comments regarding impacts of the World Logistics Center (WLC) project on the overall quality of life, specifically air quality and traffic, were addressed in the Draft Environmental Impact Report (DEIR) Sections 4.4 and 4.15, respectively. The DEIR concluded that air quality and traffic impacts would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-36-2. See Response to Comment G-36-1 of Letter G-36 for a more detailed response to this comment.

Letter G-37: Robert Wilson (email) (April 7, 2013)

From: Robert Willson [<mailto:rwwillson@earthlink.net>]

Sent: Sunday, April 07, 2013 9:57 PM

To: Mark Gross

Subject: Official DEIR Comments for the World Logistics Center

Letter G-37

Dear Mr. Gross,

I am writing to oppose the approval of the proposed World Logistics Center. The issue that I am most concerned about is the effect that the Center would have on our air quality. As a result largely of regulations of emissions, that pollution problem has been improving gradually over the past two decades or so. But the addition of an estimated 14,000-20,000 additional diesel-emitting truck visits per day is bound to cause a degradation in the quality of the air that we all breathe. This especially affects our children, who like to play outside during the summers when the pollution is the worst. Many students in our schools already are afflicted by asthma, and exposure to diesel particulates can also increase the risk of cancer among those of all ages.

1

A second area of concern is damage to our streets from all of the trucks traveling over them. The proponents definitely can't guarantee that all of the trucks will stay on prescribed truck routes. Also, who is going to pay for the millions of dollars in infrastructure improvements that will be required?

2

Most of the home-owners on the east side of Moreno Valley purchased their houses under the assumption that the City would adhere to the general plan, which calls for high-end homes and small commercial development in the area. Instead, if this is approved, they will be getting an enormous warehouse complex which will be a magnet for many thousand of trucks each day.

3

I respectfully urge the City Council to not approve such a huge, destructive project.

Robert Willson
Moreno Valley

RESPONSES TO LETTER G-37

Robert Wilson

Response to Comment G-37-1. Section 4.3, *Air Quality*, of the Draft Environmental Impact Report (DEIR) evaluates potential air quality and health risk impacts of the proposed project, including diesel particulate matter from diesel truck exhaust and the project's location. An extensive analysis of air quality and health risk-related issues, including those expressed by these commenters, is included in the Master Responses in Letter C-3.

Response to Comment G-37-2. Mitigation measures in Section 4.15 of the DEIR to require installation of various road and intersections improvements and payment of Development Impact Fees (DIF) for infrastructure, including roads.

Response to Comment G-37-3. The proposed World Logistics Center (WLC) project includes a General Plan Amendment (GPA) that identifies those portions of the City's General Plan that will be revised if the WLC project is approved, and that GPA was evaluated in appropriate sections of the EIR (e.g., 4.10, *Land Use and Planning*). The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-38: Jay and Sylvia Koo (April 3, 2013)

RECEIVED

APR 3 - 2013

CITY OF MORENO VALLEY
Planning Division

March 27, 2013

John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3

Sincerely,

(signature)

Property owner:

Name

JAY & Sylvia Koo

Address

28800 RAINIER WAY
MORENO VALLEY CA 92555

APN#

RESPONSES TO LETTER G-38

Jay and Sylvia Koo

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-38-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-38-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-38-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-39: Eusebio and Elisa Urias (April 3, 2013)

RECEIVED

APR 3 - 2013

CITY OF MORENO VALLEY
Planning Division

March 27, 2013

John Terrell, Planning Official
 City of Moreno Valley
 14177 Frederick Street
 Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
 Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street.
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground.
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets.

• must meet all requirements. 4?

Sincerely,

Eusebio R. Urias
 (signature)

Property owner:

Name Eusebio R. Urias + Elsie J. Urias

Address 28880 Rainier Way
Moreno Valley, Ca. 92555

APN# 304 290 05 E

RESPONSES TO LETTER G-39

Eusebio and Elisa Urias

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-39-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-39-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-39-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-40: Mayra Pelayo (April 3, 2013)

RECEIVED

APR 3 - 2013

CITY OF MORENO VALLEY
Planning Division

March 27, 2013

John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3

Sincerely,

Mayra Pelayo
(signature)

Property owner:

Name

Mayra Pelayo

Address

28766 Kimberly Ave

Moreno Valley, CA, 92555

APN#

RESPONSES TO LETTER G-40

Mayra Pelayo

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-40-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-40-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-40-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-41: Margaret Koehler (April 3, 2013)

March 27, 2013

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

RECEIVED
APR 3 - 2013
CITY OF MORENO VALLEY
Planning Division

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3
- 3

Sincerely,

Margaret Koehler
(signature)

Property owner:

Name

Margaret Koehler

Address

28942 Maltby Ave

Moreno Valley, CA 92555

APN#

RESPONSES TO LETTER G-41

Margaret Koehler

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-41-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-41-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-41-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-42: Kathleen Dale (April 8, 2013) and Appendix 1 (on Flash Drive)

John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

RE: World Logistic Center (WLC) Project Draft EIR (SCH No. 2012021045)

Mr. Terell:

The following comments are submitted in response to the public review period for the referenced document. These comments are based upon a very preliminary review of the 1,094 page draft EIR document and indicate that there are substantial deficiencies that warrant recirculation of a revised draft EIR.

1. Alternatives

The build alternatives presented in the draft EIR represent an arbitrary range of scenarios with no relationship to the identified significant impacts of this project. CEQA Guidelines Section 15126.6 requires that an EIR include a reasonable range of alternatives that would avoid or substantially lessen the significant environmental impacts of the project. Also, the conclusory dismissal of an off-site alternative is predicated on an assumption that the project could only be located at another single site. There is no indication that agglomeration of a minimum square-footage of high-cube warehousing is a basic objective of the project. Accommodation of the indicated building area at more than one off-site location should also be addressed as a viable off-site alternative.

1

2. Project Description/Cumulative Projects/Traffic Impacts

Recent articles in the Press-Enterprise (March 25, 2013 – “City Seeks Guidance from Moreno Valley Developer” and March 26, 2013 – “Council Approves Negotiating Agreement with Moreno Valley Developer”) have disclosed dealings of the project proponent with the City of Banning to develop a multi-modal center entailing air, rail and logistics uses centered around Banning’s municipal airport, this proposed facility is referred to as the Morongo Inland Port and Intermodal Center. The March 25th article discloses that Highland Fairview has been under contract with the City of Banning for this proposal since last November and cites activities dating back to 2011.

2

It seems implausible that there is not a connection between the proposed WLC project and the proposed Morongo Inland Port and Intermodal Center. While the Banning project is clearly in early stages, the involvement of the same developer and the apparent timeline demands disclosure of this connection in the WLC EIR. In particular, this connection has substantial ramifications as to assumed truck trip distribution and all impact categories related to truck traffic (traffic, air, greenhouse gases, and noise). At page 4.15-32 of the draft EIR, it is stated that 82% of the truck traffic is assumed to be travelling to the west. With an inland port and multimodal facility situated to the east, this heavily skewed distribution of traffic to the west is suspect. At a minimum, an alternative or future scenario analyzing traffic patterns between the rail and air facilities to the east should be addressed.

3. Biological Resources Impacts/Western Riverside Multiple Species Habitat Conservation Plan Consistency

Mitigation Measure 4.4.4.6D for potential impacts to burrowing owl is not consistent with the provisions of the Western Riverside Multiple Species Habitat Conservation Plan, which also require more extensive habitat replacement provisions if more than three pairs of Burrowing Owls are found in pre-construction surveys (see objective 5 in MSHCP excerpt provided with this letter).

3

This section of the EIR repeatedly refers to the DBESP as a Determination of Biologically Equivalent or Superior Project, rather than Determination of Biologically Equivalent or Superior Preservation. This, together with the mischaracterization/lack of recognition of the MSHCP burrowing owl provisions calls into question the accuracy of the analysis of consistency with the MSHCP, to which the City is a signatory and participating entity. This section of the EIR should be revisited to ensure that provisions of the MSHCP are accurately identified and incorporated in the mitigation program.

4. Impacts of Off-site Traffic Improvements

The traffic study identifies an extensive inventory of road improvements required to maintain appropriate Level of Services Standards throughout the City of Moreno Valley and an extended regional influence area beyond. These improvements are identified specifically by location and nature of improvement, providing an adequate level of information to evaluate associated impacts of construction. It is not evident that the impacts of these off-site improvements were considered in the draft EIR. For instance, the added lanes noted for the intersection of Cactus Avenue and Elsworth Street would likely encroach upon the jurisdictional stream along the south side of Cactus Avenue and could impact the existing commercial uses at this intersection. Potential impacts associated with implementation of all off-site traffic improvements also require disclosure in a revised draft EIR.

4

I trust that these comments will be given due consideration in the analysis of comments on the draft EIR and that the City will arrive at the conclusion that circulation of a revised draft EIR is warranted. While it is not directly germane to the draft EIR review process, please note that I am opposed to the proposed WLC project and would hope that the City leaders and Council will acknowledge the extensive array of significant and unavoidable impacts within the City and throughout the extended region as a clear indication that this expansive change to the adopted General Plan should be denied.

Respectfully submitted,

Kathleen Dale
25157 Aleppo Way
Moreno Valley, CA 92553

RESPONSES TO LETTER G-42

Kathleen Dale

Response to Comment G-42-1. It is the commenter's opinion the alternatives studied in the Environmental Impact Report (EIR) are not a reasonable range as required by California Environmental Quality Act (CEQA). The alternatives analysis in the EIR does in fact represent a reasonable range of alternatives, including several with reduced impacts. However, those alternatives must be evaluated in light of project objectives, which in this case are to create a regional logistics center with significant new employment. Project objectives include:

- Create substantial employment opportunities for the citizens of Moreno Valley and surrounding communities.
- Provide the land use designation and infrastructure plan necessary to meet current market demands and to support the City's Economic Development Action Plan. See FEIR Volume 1 Response to Comments Section 1.5.1 for 2011 and 2013 Economic Development Action Plan objectives related to the WLC.
- Create a project that will provide a balanced approach to the City's responsibilities of fiscal viability, economic expansion, and environmental integrity.
- Encourage new development consistent with regional and municipal service capabilities.
- Significantly improve the City's jobs/housing balance and help reduce unemployment within the City.
- Provide thousands of construction job opportunities during the project's build-out phase.

A plan of this scope and scale must by its very nature have broad and large objectives, some of which could not be met by much smaller or very different projects. Indeed, it would be very difficult for just about any project of this size (i.e., 2,600 acres) to substantially reduce the significant impacts identified for the proposed project except possibly for air quality (i.e., health risks from diesel particulate matter and toxic air contaminants from diesel exhaust). All of the other project alternatives propose land uses that would not produce as many truck-related air emissions (e.g., No Project - Moreno Highlands Specific Plan, Less Intense Alternative, and Mixed Use Alternatives A and B). However, some would produce substantially more vehicular traffic and would not introduce nearly as much employment within the City of Moreno Valley as the proposed project which helps improve the City's jobs/housing balance.

CEQA also requires an evaluation of alternative sites that could reasonably support the proposed project as characterized in the EIR. The reason for this analysis is to determine if moving the project to some other site would reduce or eliminate one or more significant impacts. In other words, this analysis is to determine if there is something about the project site itself that generates a significant impact in combination with the proposed project. In this case, the proposed World Logistics Center (WLC) project is so large that its placement anywhere within the Southern California basin would likely generate similar types of impacts other than possibly aesthetic impacts (project site is near a locally scenic highway). It should be noted that the EIR used the ability of an alternative site to accommodate the proposed project, and the significant impacts of the proposed project as the two main factors to evaluate alternative sites.

Response to Comment G-42-2. First, the baseline conditions for the Draft Environmental Impact Report (DEIR) analysis were established well before any discussion of potential warehousing sites in Banning, as outlined by the commenter. Also, there is no relationship to the referenced project due to the City of Banning choosing not to pursue the project. The analysis of impacts to the proposed WLC site must necessarily be separate from analysis of any specific site or sites in other jurisdictions, other

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

than the “alternative sites” analysis described in the Responses to Comments G-52-1 and G-52-2. The EIR has been prepared a programmatic level so the analysis of potential alternative sites must also be at a programmatic level.

Response to Comment G-42-3. The commenter expresses concern about impacts to burrowing owls (BUOW). Section 4.4.6.4 of the DEIR examined in detail potential impacts to burrowing owls, which have not been found in abundance on this site. No more than a single pair of burrowing owls have been observed within the World Logistics Center Specific Plan (WLCSP) during any of the focused burrowing owl surveys conducted within the last eight years (See Section 4.4.3.6 of the DEIR). However, in the event that more than 3 pairs of burrowing owls are observed during an updated burrowing owl protocol survey or a pre-construction survey, 90 percent of the suitable habitat will be conserved until the conservation goals for burrowing owl have been met. This is a general requirement under the Riverside County Multiple Species Habitat Conservation Plan (MSHCP), and although not anticipated, it should be mentioned as a possibility. This procedure is outlined in MM 4.4.6.4D of the EIR. The use of the term DBESP has been corrected to Determination of Biologically Equivalent or Superior Preservation.

Response to Comment G-42-4. The commenter is concerned that implementation of recommended mitigation measures in the DEIR must be addressed in the EIR. While it is possible that the drainage course mentioned by the commenter might be affected by improvements at the cited intersection, it is also possible the design of future improvements may avoid impacts to the drainage, or it is possible that the drainage may have already been affected by improvements made by another proposed development. This is the case with a long-range programmatic EIR such as for the WLCSP. However, the DEIR clearly states that subsequent analysis of specific development, and its attendant specific mitigation, will be evaluated and implemented as appropriate in the future to maintain City standard levels of service, as outlined in the DEIR traffic impact assessment (TIA). For example, subsequent development in the future will require project specific traffic studies tiered off of the programmatic TIA in the WLCSP EIR.(FEIR Volume 2 Appendix L). The City Council will review all comments on the EIR and responses to these and all comments prior to making a decision on the WLC project.

Response to Appendix 1 (Table 9-2 Species Conservation Summary (MSHCP), pp. 9-59-9.61). This appendix was directly referenced in the comment letter. The reference identifies the habitat replacement is required for impacts to more than three pairs of burrowing owls are found during pre-construction surveys. This information is correct and has been corrected. The information was considered in preparing the response to comments. In addition, the commenter has asked that the DEIR be recirculated. The commenter is referred to Response to Comment F-7A-11 to address the issue of recirculation.

Letter G-43: Catherine Yorkovich (email) (April 8, 2013)

-----Original Message-----

From: cathyyurkovich@roadrunner.com [<mailto:cathyyurkovich@roadrunner.com>]

Sent: Monday, April 08, 2013 4:30 PM

To: John Terell

Subject: Official Comments for the DEIR for the WLC

I oppose the World Logistics Project due to the negative health impact of diesel particulates which will destroy our quality of air and oppose the number of trucks on our freeways that this project will produce.]-1

I am requesting confirmation that my email was received. Thank you.

Catherine R. Yurkovich

--

Catherine R. Yurkovich

cathyyurkovich@roadrunner.com

(951) 924-5622

PLEASE NOTE: change in email address

RESPONSES TO LETTER G-43

Catherine Yorkovich

Response to Comment G-43-1. Many of the comments regarding impacts of the World Logistics Center (WLC) project on the overall quality of life, specifically air quality and traffic, were addressed in the Draft Environmental Impact Report (DEIR) Sections 4.4 and 4.15, respectively. The DEIR concluded that air quality and traffic impacts would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-44: Jerry Villaneuva (email) (April 8, 2013)

From: Jerry Villanueva [<mailto:romans132004@aol.com>]

Sent: Monday, April 08, 2013 10:00 AM

To: Mark Gross

Subject: World Logistics Center DEIR

Greetings,

My name is Jerry N. Villanueva, I am (59) years old and I have been a resident of Moreno Valley since 1984. Our first home was near Fir Ave. and Willow Tree Ave but we now live at 28040 War Admiral St. near Cottonwood and Moreno Beach Drive.

I have made an attempt to read, review and understand the posted World Logistics Center DEIR but honestly there is a lot of information in the report which I am sure is complete and thorough but fails to meet the basic concerns of myself and my neighbors.

We know that despite our efforts we are losing the last area of Moreno Valley that offers rural living and the beautiful view of our fields and mountains. We also know that our neighborhoods will be overwhelmed with trucks, vehicle traffic, pedestrians, etc. and are not happy.

I have been in law enforcement for almost (35) years with the first (20) years working in a small suburb of Los Angeles and have witnessed first hand the result of warehouses in or near residential areas and the crime/destruction it brings to a city.

So I find all the plans, photos and words describing different results to be worthless.

1

Although I oppose the project, I was looking in the DEIR for any mention of how the police department will be supported in order to address the crime and traffic issues this project will bring. Is there any plan to provide the police department with a Commercial Vehicle Enforcement Unit? Will there be funding to train our officers and provide them with the proper equipment to enforce commercial vehicle laws as well as the vehicle code violations which are sure to occur? Will there be a specific number of officers assigned to this area?

2

If we are going to allow this project to continue, why not consider the handling of these issues now? By working with the traffic court judges and clerical staff, commercial enforcement can be a huge revenue source for the city. If the city were to adopt municipal codes similar to the vehicle code violations and train the officers to cite for those codes, the fines could go to the city instead of the DMV, State and other agencies.

3

If you are not the correct person to receive this objection and recommendation, could you please forward it to the right department and please acknowledge receipt of this email.

4

Thank you very much for your time and the work you do,

Jerry N. Villanueva
romans132004@aol.com
(951) 675-5704

RESPONSES TO LETTER G-44

Jerry Villaneuva

Response to Comment G-44-1. Most of the comments do not apply to the Environmental Impact Report (EIR) analysis or conclusions, but are personal observations about the project and project review process. The Draft Environmental Impact Report (DEIR) concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Response to Comment G-44-2. The commenter is concerned about police services for this project. Section 4.14, *Public Services*, of the DEIR evaluated potential impacts of the World Logistics Center (WLC) project on existing police services, and determined they are less than significant and do not require mitigation. The City police department will consider and implement programs like the suggested programs as needed to continue to protect public safety within the WLC project. It is anticipated that the WLC project will provide additional tax revenues to the City, a portion of which will go for continued or expanded police service as needed as the WLC project develops (DEIR Section 4.14.6.1).

Response to Comment G-44-3. The commenter is correct that such a program or programs could generate additional revenues to the City and courts, and the City Council will consider all comments and responses like this before making a decision on the WLC project.

Response to Comment G-44-4. The commenter wanted to make sure the comments got to the right person. This is indeed the correct forum for presenting your comments, and the City Council will consider all comments and responses like this before making a decision on the WLC project.

Letter G-45: Ted and Marica Amino (email) (April 8, 2013)

From: Marcia Amino [mailto:tmamino@aol.com]

Sent: Monday, April 08, 2013 10:25 AM

To: Mark Gross; John Terell

Subject: OFFICIAL COMMENTS FOR DEIR FOR RORLD LOGISTICS CENTER "WLC"

E-MAILED APRIL 8, 2013

Please provide a confirmation of receipt of this e-mail.

We are opposed to the WORLD LOGISTICS CENTER PROJECT for the following reasons:

Chapter 4.3 in Air Quality Section Pg 4.3-36 states that Dr. James Enstrom believes that the risk from diesel PM is exaggerated (2008). However, http://oehha.ca.gov/public_info/facts/pdf/diesel4-02.pdf states that diesel health impacts are negative and our city, in order to protect our health and welfare owes it to the residents to use caution and protect us from negative development impacts, thus this project should not be approved.

1

Chapter 4.3 in Air Quality Section Pg 4.3-39 says that the localized significance threshold analysis in Scenario 1 having 2012 for phase 1 buildout is exaggerated because of cleaner diesel engines, so this presents a worst case scenario. Further Scenario 2 states buildout for phase 1 occurs in 2017 and and phase 2 occurs in 2022 and impact of diesel should be less because of the assumption that the future diesel fleets will have less emissions and resulting impacts in the air. California has postponed the more stringent diesel emission standards <http://www.dailyfinance.com/2010/12/17/california-postpones-its-diesel-emission-standards/> and https://www.cmca.com/pdf/maintenance/CTA_CARB_GUIDE_04.12.pdf and although phasing has started, I believe, it varies on year of truck, model, standard, etc. <http://www.truckline.com/AdvIssues/Environment/Documents/California%20Tractor-Trailer%20Regulation.pdf> so there will still be a period of time before all the appropriate equipment or upgraded trucks are on the roads and running, and in the meantime the diesel particulate matter will increase in Moreno Valley's area and negatively impact the health of residents, especially our children and elderly, thus this project should not be approved.

2

Chapter 4.3 in Air Quality Section Pg 4.3-49, Section 4.3.6.1: Implementation of the proposed project has the potential to conflict with implementation of the SCAQMD 2012 AQMP. This project has the likelihood of adding to air quality degradation and include air quality violations which is not acceptable to an area that currently has some of the worst air quality in the nation per our SCAQMD <http://www.pe.com/local-news/topics/topics-environment-headlines/20121221-moreno-valley-district-raps-warehouse-plans.ece>

3

Mitigation in a vacuum is no in name only. Moreno Valley residents deserve a high quality of life and that includes air that does not contribute to asthma in all age groups, especially our most vulnerable and a city council that understands that their job is to protect the quality of life in our city and that promising cheap jobs that may or may not materialize is not doing their job.

4

This project is being viewed alone and not in conjunction with the accompanying development of numerous other warehouses that are now active in Moreno Valley, and as such, all the estimated air quality impacts and accompanying mitigations measures are inadequate. Refer to SCAQMD letter dated 12-14-12 to John Terrel, Planning Director, Community & Economic Dev Dept. for the City of Moreno Valley.

5

There are many reasons this project should not be approved, and the Press Enterprise editorial of 1-6-13 says it best, <http://www.pe.com/opinion/editorials-headlines/20130106-editorial-restrict-air-pollution-from-moreno-valley-warehouses.ece>

P-E Editorial 1-6-13

Moreno Valley needs to take a more stringent approach to air pollution from warehouse traffic than the city now proposes. A city contemplating a vast expansion of warehouse space should take every possible step to curb diesel emissions — **for the good of city residents and the region.**

6

The South Coast Air Quality Management District says that Moreno Valley is pushing ahead with warehouse projects without doing enough to protect air quality. The district last month urged the city to put stronger restrictions on the proposed 1.5 million-square-foot March Business Center, slated for land east of Heacock Street near March Air Reserve Base, which is still moving through the city's approval process. The district wrote the city after the project's environmental report in November rejected the agency's suggestions for cutting pollution from truck traffic as impractical.

Air quality should be a fundamental concern for any city proposing to become a warehouse center, as Moreno Valley is. Warehouses are at best a mixed proposition for a city already grappling with heavy traffic congestion in a region with some of the dirtiest air in the nation. Exhaust from diesel engines is a primary source of pollutants, particularly the tiny particle pollution linked to a variety of heart and lung ailments, including cancer and early death. Not surprisingly, fears of deteriorating air quality are one of the biggest reasons for public opposition to city warehouse projects.

So Moreno Valley should address that issue aggressively, especially given the city's plans for millions more square feet of warehouse space — including one proposal for a massive warehouse complex equal in size to more than 700 football fields. If the projects advance, strict air quality requirements from the start could help the city avoid becoming an object lesson in pollution-spewing planning.

Yet the city's response to the air quality regulators' concerns hardly builds public confidence that the city is carefully considering its rush to build warehouses. The air agency said the city could, for example, require trucks serving the warehouse to meet 2010 emissions standards, or create a plan to phase in newer, cleaner trucks as quickly as possible. The city could also require warehouse tenants to apply for government grants to retrofit or replace older trucks, among other steps. The city's reaction: Moreno Valley has no control over truck emissions, which fall under state and federal law. The city also called the air quality agency's proposed solutions infeasible.

Other local governments do not share that view, however. The air district points to projects in San Bernardino and Mira Loma, where planners imposed such conditions on warehouse proposals. Those examples suggest that the issue is not legality and feasibility, but political will.

And council members' complaints that the air quality district is unfairly picking on Moreno Valley miss the point. The real issue is whether the city is acting responsibly in pursuing warehouse development. The city envisions a massive logistics hub, and yet wonders why anyone would complain when officials wave off concerns about pollution from truck traffic? Moreno Valley should not have to sacrifice air quality for the city's future. Southern California has managed to greatly improve its air even as the region's economy expanded, but not by scrimping on pollution control measures. Moreno Valley can grow and still do everything possible to protect residents' health and the region's air — but not if the city takes a hands-off approach to diesel pollution.

Moreno Valley would do well to look at California Cities with high environmental and quality of life standards as both go together, much as the City of Berkeley has stated very well,

"Goal #3: Protect local and regional environmental quality: Without a healthy environment, the high quality of life in Berkeley will be degraded for present inhabitants and future generations. This Plan emphasizes the protection of the environment, both locally and regionally. It addresses City programs and actions, the importance of regional solutions, and the importance of the actions of the individual in day-to-day decisions on the health of the environment."

Improve Air Quality and Conserve Resources. Air quality in the Bay Area is threatened by increased emissions from motor vehicle use and other sources. The City Council recently the Resource Conservation and Global Warming Abatement Plan. Many policies from that plan are incorporated into the General Plan. The Plan's Transportation Element contains policies to reduce automobile use and the Land Use Element encourages housing development along transit corridors to reduce the need for automobiles. <http://www.ci.berkeley.ca.us/contentdisplay.aspx?id=488>

Ted and Marcia Amino
Morneo Valley Residents
951-247-8225
tmamino@aol.com

RESPONSES TO LETTER G-45

Ted and Marica Amino

Response to Comment G-45-1. The commenter notes the citation from Enstrom in the Draft Environmental Impact Report (DEIR) that concluded that risk from diesel particulate matter (PM) is exaggerated and then cites a study from the Office of Environmental Health Hazard Assessment (OEHHHA) that discussed the negative health effects of diesel PM. The intent of including the citation from Enstrom was to provide an alternative viewpoint for discussion and informational purposes. The potential negative health effects from diesel PM are discussed at several locations as discussed in the Master Response-2: (refer to Letter C-3) Health Effects of Diesel Particulate Matter.

Response to Comment G-45-2. The commenter notes that because of some rescheduling of compliance dates by the Air Resource Board (ARB), the expected truck emission reductions may also be delayed, resulting in higher emissions than under the original compliance date phase-in schedule.

The project has already committed in a project design feature as well as in Mitigation Measure (MM) 4.3.6.3B to require all diesel trucks that access the project to be compliant with Model Year 2010 or better engines, the cleanest diesel engines required under regulation. Thus, there will be no delay in implementing clean trucks as part of the project.

The commenter says the project should not be approved. This information will be presented to the City Council, and they will consider all comments and responses in this Final Environmental Impact Report (FEIR) document, prior to making a decision on the project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Response to Comment G-45-3. The commenter questions some of the phasing assumptions relative to air pollutant estimates. The commenter should note that project phasing was extended from 10 to 15 years which would allow more time for the state emission control regulations to be enacted, including for World Logistics Center (WLC) project trucks. In addition, the project was reduced by 3 percent and the traffic and air quality reports revised to respond to the many comments on the DEIR and utilize more accurate assumptions about project-related air pollutant emissions. Therefore, the City continues to believe the estimates of air pollution impacts during project phasing are still worst case estimates. See also Response to Comment G-45-5 for more information on cumulative impacts and the Air Quality Management Plan (AQMP).

The commenter indicates the project has the potential to conflict with implementation of the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan. The commenter is correct. The commenter also indicates that adding air quality violations is not acceptable. The policies of the region do not seek to attain compliance with ambient air quality standards through prohibiting growth. In fact, regional planning documents such as the South Coast Air Quality Management Plans seek to reduce air emissions through the application of advanced emission control technology, which this project is implementing through measures such as requiring 2010-compliant trucks. All of the air quality improvements in the South Coast Air Basin over the 50 years have been achieved through the use of cleaner technologies, not prohibitions on development.

Response to Comment G-45-4. The commenter expresses concern about mitigation and the City's decision-makers. This does not make a specific comment about the WLC project or EIR, but the City Council will consider all comments and responses on the project and EIR before making a decision. The commenter indicates that Moreno Valley residents deserve air that does not contribute to asthma. The comment is noted; the City Council will consider all comments on the project prior to making a decision on the project.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-45-5. The cumulative analysis in Section 4.3.7 of the DEIR examined cumulative air emissions from the project and expected growth in the project area through 2035, as outlined in Section 3.6, *Project Description – Cumulative Projects*, of the DEIR. Section 4.3.7 of the DEIR determined the project was not consistent with the 2012 AQMP. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts, including air pollution. The Traffic Impact Assessment (TIA) incorporates cumulative traffic from all known land development projects and all funded roadway projects, as stated in Section 7 in the revised TIA (FEIR Volume 2 Appendix L-1). The air quality localized analysis and the health risk assessment take into account this cumulative traffic on the freeways and roadways in Moreno Valley (see revised air quality analysis in FEIR Volume 2 Appendix D-1). Therefore, the project analysis does take into account the other development in the area.

The commenter refers to the SCAQMD letter dated 12-14-12. We believe this letter refers to the SCAQMD's comments on the FEIR for the proposed March Business Center. (http://www.aqmd.gov/ceqa/igr/2012/December/MarchBC_RTC.pdf). The commenter is wondering if the March Business Center has been included as a cumulative project. As of the time the notice of preparation (NOP) was issued, no portion of the March Business Center was completed and generating traffic, therefore it was not included in the baseline conditions for the TIA. However, it was included as part of the cumulative growth projections in the TIA.

Response to Comment G-45-6. The commenter urges the City to curb diesel emissions. Section 4.3 of the DEIR provided an extensive analysis of air quality impacts, including diesel particulate matter (DPM), and provided a number of mitigation measures to help reduce air emission impacts. The project air quality study and Section 4.3 of the DEIR were subsequently revised in large part to respond to comments about air quality impacts of the project. The Master Responses 1 through 5 in Letter C-3 from the South Coast Air Quality Management District provide more information relative to air quality impacts of the project in response to comments on the DEIR. The City Council will consider the information presented in the DEIR and revised technical studies regarding mitigation for air quality impacts and health risks from air pollution. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts, including air pollution.

Response to Comment G-45-7. The commenter wants to phase in newer trucks. In fact, the revised air quality study requires earlier implementation of newer and cleaner trucks (Mitigation Measure 4.3.6.3B which requires that diesel trucks be model year 2010 or later).

Response to Comment G-45-8. The commenter refers to air quality mitigation in other areas. Information on measures enacted in other jurisdictions may be useful to decision-makers when considering appropriate mitigation for the WLC Project. However, there is no legal requirement for the City of Moreno Valley to implement measures developed by and in other jurisdictions, the mitigation for WLC project impacts must be proportional and appropriate given the characteristics of this specific project. MM 4.3.6.2A requires 4 Tier 4 equipment and MM 4.3.6.3B requires that diesel trucks during operation be model year 2010 or later. These two mitigation measures will require the cleanest diesel technology available under the current regulatory requirements.

Response to Comment G-45-9. The commenter hopes that project job estimates will not outweigh air pollution concerns. The City Council will consider all comments and responses in this FEIR document, prior to making a decision on the project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-45-10. The commenter refers to Berkeley General Plan Goal #3 regarding air pollution. The City Council will consider the project's consistency or inconsistency with the Moreno Valley General Plan, as well as all comments and responses on the project and the EIR prior to making a decision on the WLC project. It should be noted that the Housing Report (DEIR Appendix O-3) indicated that poverty and unemployment create worse health effects on minorities and low income individuals compared to diesel particulate matter (DPM).

Letter G-46: Tracy Hodge (email) (April 8, 2013)

From: Tracy Hodge [<mailto:Tracy@wrridge.com>]
Sent: Monday, April 08, 2013 10:25 AM
To: John Terell; Mark Gross
Cc: tracy@wrridge.com
Subject: DEIR Comments for the WLC

To whom it may concern:

I am a homeowner on the east side of Moreno Valley and have reviewed the Draft Environmental Impact Report with regard to the proposed World Logistics Center and find this project to have insurmountable consequences to our region if approved.

The Health impact, traffic impact, infrastructure impact and loss of economic benefits to our community does not warrant the approval of such a project. This scope development should be deemed unlawful to be situated near residential communities that could even remotely be burdened by the ongoing significances that the project is proposing.

It is my opinion that not enough due diligence has been practiced by our local city officials to make an educated decision on the magnitude of such a project. If they have then where is proof of their deliberations and what supporting documents will they provide to prove they have full awareness and acceptance of the consequences of their decision?

Also, where in the justice system does it give a City Council permission to cause direct and indirect physical harm to the citizens due to their decision before their actions become criminal?

Also, with the DEIR presenting the significant impacts with no mitigation to resolve the impact, where is the protection by our City Council to the community to protect us from this sort of demise on every impact level?

To approve this project shows such lack of consideration for the protection of our citizens what charges could this government be held accountable for? There is not enough tax base or ongoing proof of employment to warrant this kind of disregard for the impending consequences.

There will be thousands of residents directly in harm's way due to every significant impact this project promises. What will be the City Council's retribution to the citizens within the region with the quality of life willfully being revoked by them due to their decision? This project not only brings health consequences, infrastructure deterioration that our community cannot afford but what about the blighting of our communities and deliberate theft by our City Council of the property owners value and equity of their real estate?

Our elected officials have an amazing opportunity to pay close attention to the communities like Temecula, Riverside, Corona, Rancho Cucamonga just to name a few, that got it right! We are at a pivotal moment in our city's history to make decisions that lay the groundwork for impressive financial rewards that could last for many generations to come. Give us roof tops to house the high wage earners that the medical corridor will attract. Give us Business Parks to bring high wage earners such as medical professionals, engineers, law offices, and high end business components that come to Moreno Valley to do their business instead of having to travel to outlying cities because we do not have those key components to house them. This is an opportunity to bring stable tax base business to our city and build on creating a livable community for all.

I oppose this project and any decision to approve such a horrific development within our community! There are no acceptable overriding consideration that could justify approving it as proposed!

Tracy Hodge
13097 Shubert Street
Moreno Valley, CA 92555

RESPONSES TO LETTER G-46

Tracy Hodge

Response to Comment G-46-1. The commenter believes the project will have many impacts, and the air quality/health risk impacts do not outweigh the economic benefits. The potential environmental impacts of the World Logistics Center (WLC) project on both the natural and man-made environment are evaluated in the Draft Environmental Impact Report (DEIR) Sections 4.1 through 4.16. The DEIR determined there would be significant impacts related to views, agriculture, air quality, climate change, land use, noise, and traffic but that impacts to biological resources would be reduced to less than significant levels by project design implementation of recommended mitigation measures. The DEIR identifies a number of air quality impacts of the project in DEIR Section 4.3, Air Quality, and its attendant technical study, and also recommends a variety of mitigation to reduce potential impacts. However, long-term air quality impacts will be significant due to the size and nature of the WLC project, the City Council will consider all comments before deciding whether to approve the project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Response to Comment G-46-2. The commenter questions the City's decision making process and elected officials. The project review process is outlined in the Response to Comment G-46-1. The remaining comments about the City Council and legal protection do not comment on the project or EIR so they will not be responded to here. The City Council will consider all comments and responses on the project and EIR before taking action on the WLC project.

Response to Comment G-46-3. Most of the comments do not apply to the EIR analysis or conclusions, but are personal observations about the project and project review process. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-47: Louann Moore (email) (April 8, 2013)

From: moorelulu@aol.com [mailto:moorelulu@aol.com]

Sent: Monday, April 08, 2013 10:51 AM

To: Mark Gross

Subject: Re: World Logistic Center

Letter G-47

Good morning,

Thank you for your response. My name is Louann Moore. I live at 26418 Capay Bay Court, Moreno Valley, CA 92555. I am the original owner/occupant and have lived there over 25 years. I am actually pro-development, but not for this project.

1

In addition to my other email, I also want to say that the estimated top wage/salary range of \$60,000 for the World Logistics Center is very low. Considering that is the "high" estimate, it seems the low would be pretty dismal. The warehouse workers will probably never be able to afford a house at that wage, especially since the banks seem to be selling all the foreclosures to investors with cash. Since the recession started, we have wound up with a lot more multiple-family tenants occupying single-family homes in our neighborhood.

2

It is wrong to put industrial development right next to Lake Perris recreational area where people are supposed to be able to have a wilderness experience camping, fishing, boating, and enjoying the outdoors. It does seem like the investors and developers, who don't and won't live in Moreno Valley, will be benefiting and making a profit from the World Logistics Center project, but the residents will be long-term losers, left with massive unsightly industrial buildings and low paying jobs. I doubt that individually we will see benefits from any taxes the City may collect from this project.

3

I think Moreno Valley would be better off to pursue the medical developments and the jobs and professional careers that will follow. The planned locations for those projects are also far more acceptable and compatible with existing uses.

4

Thank you,
Louann Moore

-----Original Message-----

From: Mark Gross <markg@moval.org>
To: 'moorelulu@aol.com' <moorelulu@aol.com>
Sent: Mon, Apr 8, 2013 8:31 am
Subject: RE: World Logistic Center

Good morning,

Thank you for your comments. In order to add you to the mailing list and provide responses to comments within the Final Environmental Impact Report in disk format, please provide your full name and address for our records.

Thank you.

Mark Gross, AICP
Senior Planner
City of Moreno Valley
Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Tel: (951) 413-3215
Fax: (951) 413-3210
E-mail: markg@moval.org
Web site: www.moreno-valley.ca.us

From: moorelulu@aol.com [<mailto:moorelulu@aol.com>]
Sent: Thursday, April 04, 2013 9:29 AM
To: Mark Gross
Subject: Fwd: World Logistic Center

Dear Mr. Gross,

I am the owner/occupant of 26418 Capay Bay Court. I agree completely with my daughter's email to you (below). While Moreno Valley needs more business and economic development, we should not be rezoning our beautiful natural habitat for giant warehouses. Warehouses should be located by the 215 and 60 freeways and by City Hall where the land is already zoned for commercial/industrial uses. There should also be more infill redevelopment for places like the old Home Base on Hemlock and other vacant or eyesore spots in the city. Commercial and industrial development should be limited to freeway-side locations and not inland, especially in nature conservancy areas. I do not want to be stuck in gridlock breathing diesel fumes, and I don't think that all the children playing sports at our wonderful Morrison park, Valley View High School and Mountain View Middle School ball fields should be breathing the pollution either.

5

Thank you for your consideration,
Louann Moore

RESPONSES TO LETTER G-47

Louann Moore

Response to Comment G-47-1. The comment does not apply to the Environmental Impact Report (EIR) analysis or conclusion but is a personal introduction. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Response to Comment G-47-2. The commenter's April 8, 2013 email questioned the wage/salary maximum for the WLC, although the author did not suggest a specific salary range. The Draft Environmental Impact Report (DEIR) relied on average wages provided by governmental sources (i.e. Bureau of Labor Statistics, Employment Development Department and the Census Bureau) for the applicable data within the warehousing and logistics sector, as explained in the Responses to Comments G-90-1 and G-90-2. Importantly, these numbers have been compiled from data sources within the County and Metropolitan Statistical Areas pertinent to the WLC.

In terms of the WLC's anticipated "maximum" employee income, the commenter indicated that an estimated top wage/salary range of \$60,000 for the WLC is very low. We are not clear on where the commenter determined that this would be the maximum remuneration paid by the employers to be located in the WLC. While the Applicant expects a wide salary range for warehouse and logistics workers, an average income of \$41,076 was applied as a reasonable estimate based on wages provided by the governmental sources listed above. While it is certainly true that many WLC employees may fall into lower income categories, it wouldn't be prudent to suggest that an annual salary of \$60,000 is the ceiling as it would neglect a significant number of positions within management, as well as those requiring higher skills and/or educational levels. For example, according to Salaries.com, the median income (salary plus bonus) for an Information Technology generalist working in Moreno Valley is \$55,594, with 25% of these employees earning over \$66,750 (Exhibit R). As Information Technology generalists are necessary to assure that computer systems are adequately operated and maintained at most businesses, there will be employees filling this position at many firms located WLC. Furthermore, even the lower income jobs that will be provided at the WLC will be an important component of the City's economy, as they meet the needs of students and other individuals who are new to the labor market and/or seeking part-time work due to other obligations, as well as family members from dual-income households.

While not every employee working in a logistics facility will be able to purchase a home, this state of affairs is not atypical of Moreno Valley residents in general, as according to the U.S. Census, 62.9 % of the City's households actually owned their own home between 2008 and 2012. In some cases, WLC employees may be students or retired individuals who at this point in their lives do not intend to own their own homes. In addition, those employees with higher salaries, as well as those with lower salaries who are the second or third income sources in their families, may very well reside in owner-occupied homes. To imply that WLC employees will be buying homes in lower percentages than current Moreno Valley residents may be incorrect.

Response to Comment G-47-3. None of the comments apply to the EIR analysis or conclusions, but are personal and political observations about the project and project review process. The DEIR concluded that a number of project impacts (e.g., traffic, air quality, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project.

Response to Comment G-47-4. The comments do not apply to the EIR analysis or conclusions, but are personal desires for the outcome of the project. It should be noted that the City Council will

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-47-5. None of the comments apply to the EIR analysis or conclusions, but are personal desires for the outcome of the project. Many of the comments regarding impacts of the WLC project on the overall quality of life, specifically air quality and traffic, were addressed in the DEIR Sections 4.4 and 4.15, respectively. Aesthetics was also discussed in DEIR Sections 4.1. The DEIR concluded that air quality and traffic impacts would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-48: Donna Castelos (email) (April 8, 2013)

From: Donna Casteloos [<mailto:dcasteloos@verizon.net>]

Sent: Monday, April 08, 2013 10:52 AM

To: Mark Gross

Subject: warehouse project

I strongly object warehouses that is proposed for East Moreno Valley.
Please keep me informed of meetings regarding this project.
Donna Casteloos

1

RESPONSES TO LETTER G-48

Donna Castelos

Response to Comment G-48-1. The comment does not apply to the Environmental Impact Report (EIR) analysis or conclusion but is a personal objection to the proposed project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Letter G-49: Karen Jakpor (April 8, 2013)

Comments on the Environmental Impact Report for the Proposed World Logistics Center in Moreno Valley, California

From: Karen Jakpor, MD, MPH
Physician Volunteer with the American Lung Association in California
16941 Mockingbird Canyon Rd.
Riverside, CA 92504

To: Mr. John Terrell
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

RE: Comments on the Environmental Impact Report for the Proposed World Logistics Center in Moreno Valley

April 8, 2013

Dear Mr. Terrell:

I am a Riverside resident and a physician volunteer with the American Lung Association. I have experienced firsthand the trials of living in an area with severe air pollution as an asthmatic, as I have been admitted to the hospital or ER on numerous occasions with asthma. I am certainly not alone in this struggle, as the prevalence of asthma in Riverside County is 14.5%. If you have ever lost your health, you would realize that as important as jobs are, health is even more important.

I am deeply concerned about the proposed 41.6 million-square-foot World Logistics Center, because upon reviewing the DEIR I found **no less than six “significant and unavoidable impacts.”** Please refer to Addendum1-The Executive Summary 1.2 of the “Air Quality, Greenhouse Gas, and Health Risk Assessment Report, World Logistics Center, City of Moreno Valley, California” prepared by Michael Brandman Associates.

The American Lung Association’s 2012 State of the Air Report gives the Moreno Valley and surrounding Riverside County region an F grade for all three pollutants: ozone, year-round particle pollution and short-term particle pollution. The Riverside-Los Angeles County region was ranked #1 in the nation for worst ozone pollution, #3 in the nation for annual particle pollution, and #4 in the nation for 24-hour particle pollution.(1) Riverside County has 111 unhealthy ozone days and 29 unhealthy particulate matter days per year.(2) As Moreno Valley is already one of the most air-polluted cities in the nation, I would expect the Moreno Valley City Council to reject any proposal that would have numerous **“significant and unavoidable impacts”** that are not mitigated in the environmental impact report.

The proposed area for the development is currently a “nonattainment” area for both federal and state standards for PM2.5, PM10, and ozone. With the current state of air pollution in Moreno Valley, and lack of rail and adequate freeway infrastructure along the winding part of the 60 freeway through the “Badlands,” it would be hard to find an area in the nation more unsuitably situated for one of the largest warehouse complexes in the world.

- How can the city of Moreno Valley help reach “attainment” of state and federal air quality standards by building a 41.6 million-square-foot warehouse complex the equivalent of 700 football fields and adding an estimated 14,682 truck trips per day?

- What contributions have Moreno Valley city planners made to help the region attain these standards?

5

I would like to remind Moreno Valley's city council and city planners that air pollution has multiple significant impacts on a community (even when many individuals appear to be unaware of how air pollution affects them.) Approximately 9,200 Californians die each year from particulate air pollution, more than twice the number killed in car accidents. (3, 4) Small particulates are so small that they get absorbed into the bloodstream which carries the particulates to all parts of the body. These particulates are associated not only with lung diseases such as asthma and COPD, but they are also associated with heart attacks, stroke, and cancer. The County of Riverside Department of Public Health released a report which states that Riverside County ranks 32nd in health out of 54 counties. (5, 6) Air pollutants play a role in each of the top 4 causes of death in Riverside County: 1. heart disease, 2. cancer, 3. chronic lower respiratory disease (CLRD), and 4. stroke. When comparing mortality rates from these four diseases with other California counties, Riverside County ranked 54th, 47th, 45th, and 42nd, respectively.(6)

6

I acknowledge that the DEIR includes estimates on the impact of the project on additional cases of cancer. However, air pollution causes numerous health impacts other than cancer.

7

- Please calculate the impact of the additional truck traffic from the proposed World Logistics Center on the additional rate of premature deaths from heart disease, chronic lower respiratory disease, and stroke.
- Please calculate the additional health costs that result from the additional disease burden of heart disease, cancer, chronic lower respiratory disease, and stroke.

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9

The County of Riverside Department of Public Health estimates that the prevalence of asthma is 14.5% in Riverside County, and among blacks in Riverside County, it is even higher—30.6%.(6) Increasing air pollution is known to be associated with an increased number of cases of asthma, ER visits and hospitalizations for asthma. Millions of lost school and work days occur each year in California due to the health effects of air pollution. The South Coast Air Quality Management District estimates that the monetary costs of air pollution in Southern California alone are at least \$14.6 billion dollars per year. (7) In 2005, the cost of asthma hospitalizations in California was \$763 million. And approximately 61% of these costs were born by the government through Medicare and Medicaid. (8)

10

- What is the additional economic burden caused by the air pollution produced by the World Logistics Center?
- And what proportion of the additional economic burden caused by increased health costs will be paid for by the World Logistics Center? By the county and state governments? By local health insurance plans? By individuals for out-of-pocket costs for expensive inhalers costing \$50 per month?

11

12

Any quality analysis of air pollution health effects in the Inland Empire would certainly not omit discussing the findings in USC's classic "Children's Health Study" which included studying children from Riverside and Mira Loma, California—a highly relevant study. One of the key findings was that children growing up in the most air polluted regions had a stunted rate of lung function growth. In fact, the children of Mira Loma, an area known for a huge number of warehouses and truck traffic, had among the most stunted growth in lung function of the thousands of children studied in Southern California communities. (9) Other key findings in the study showed that there were more asthma exacerbations as traffic-related pollution increased. There were also more newly diagnosed cases of asthma in children in areas with high ozone levels.

13

- Why does this environmental impact report not include information from the USC Children's Health Study in its analysis? 14
- Why is there not a more careful examination and calculation of non-cancer health risks, both acute and chronic? 15

Additional Questions:

- How will using such a large piece of land for warehousing and resultant trucking allow the City of Moreno Valley to comply with SB375 and AB32? 16
- Enumerate the cumulative effects of emissions from other nearby proposed warehouse projects such as this same developer's proposed project in the City of Banning. How much more will the impact be on the emissions of criteria air pollutants for the region when you consider the cumulative effects? What are the cumulative effects of the additional health risks, both acute and chronic, both cancer, and non-cancer effects? What other big warehouse projects are you aware of being considered in neighboring communities which will also burden the freeway infrastructure? 17
- Will the 60 freeway need widening, especially if one considers the cumulative effects of neighboring cities building large warehouse complexes such as Morongo Intermodal? What additional effects would this have on air pollutants? 18
- Why is this large warehouse project being considered in an area that currently has no rail line, so that "cleaner trains" are not even a current option for goods movement? Or are there railroad plans in the works that we are not aware of? If so, how will this impact air quality in the region? Already the current Riverside-Line of Metrolink has comparatively few trains running, as it shares its track with freight trains. If a rail link were expanded to Moreno Valley to service the warehouses, would this reduce available mass transit by Metrolink? What impact would this have on emissions? 19

The draft EIR mentioned that more jobs would be created in Moreno Valley, which could reduce automobile trips by people working and living in Moreno Valley. But previous experience with Mr. Benzeevi's Sketchers warehouse proved that his job creation estimates fell extremely far short. Some suggest the construction of the warehouse caused a net job-loss for the Inland Empire and that people who worked for Sketchers plants in Ontario now commute to Moreno Valley, after they were transferred when the Ontario plants closed. That suggests longer commutes and higher automobile emissions. 20

- Have you considered the impact of commuters traveling to Moreno Valley to work on the level of emissions? 21

According to the Press-Enterprise:

"Predicting warehouse jobs already has proven tricky for Moreno Valley.

The Skechers warehouse, which Benzeevi has held up as a model for buildings at the World Logistics Center, has not delivered on the 1,000 jobs that supporters were trumpeting as the project navigated city approval processes. A city survey in January found 600 jobs there — a rate of one job per 3,000 square feet. 22

Skechers also shed jobs last year, around the time its distribution operations moved from Ontario to Moreno Valley."

The shoe company had employed about 1,000 people in five smaller warehouses before consolidating and moving to Moreno Valley. Skechers notified state officials that it would terminate 339 people at four Ontario locations on Oct. 31.” (11)

22

In conclusion, based on the enormous size of the proposed World Logistics Center, I am concerned that the project would have an enormous impact on truck traffic, air pollution, health, and health care costs in the surrounding region. As the size of the proposed warehouse complex appears unprecedented, the modeling used in the environmental impact report may have overstated benefits and underestimated risks. I am personally strongly opposed to the proposed project, especially in the absence of adequate mitigation measures.

23

Sincerely,

Karen Jakpor, MD, MPH

Addendum 1:

Executive Summary 1.2 of the “Air Quality, Greenhouse Gas, and Health Risk Assessment Report, World Logistics Center, City of Moreno Valley, California” prepared by Michael Brandman Associates.

The Executive Summary 1.2 states:

“The following is a summary of the analysis results:

- The project would exceed the SCAQMD regional emission significance thresholds for VOC, NOX, CO, PM10, and PM2.5 during construction.
- The project would exceed the SCAQMD regional significance thresholds for VOC, NOX, CO, PM10, and PM2.5 during operation.
- The project would exceed the SCAQMD localized significance threshold for nitrogen dioxide (NO2) and PM10 during operation under worst-case conditions assuming that the project would be operational in the existing year 2012.
- The project would exceed the SCAQMD localized significance thresholds for nitrogen dioxide, PM10, and PM2.5 concentrations during construction and during overlapping construction and operation under the proposed development schedule.
- At final build out, the project would exceed the SCAQMD localized significance threshold for PM10 and PM2.5 concentrations during operations under the proposed development schedule.
- The project generated construction and operational emissions of diesel particulate matter would exceed the SCAQMD 70-year lifetime cancer risk significance threshold at the existing residential areas located within the Specific Plan and to the west of the project across Redlands Boulevard.

•The project-generated traffic would not result in a carbon monoxide hot spot at project- impacted intersections.

Impact AIR-1:

The project would conflict with or obstruct implementation of the applicable air quality plan. **Significant and unavoidable impact.**

Impact AIR-2: The project would violate air quality standards or contribute substantially to an existing or projected air quality violation. **Significant and unavoidable impact.**

Impact AIR-3:

The project would result in a **cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment** under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors). **Significant and unavoidable impact.**

Impact AIR-4:

The project would expose sensitive receptors to substantial pollutant concentrations. **Significant and unavoidable impact.**

Impact AIR-5:

The project would not create objectionable odors affecting a substantial number of people. Less than significant impact.

Impact AIR-6:

The project would generate direct and in direct greenhouse gas emissions that would result in a significant impact on the environment. **Significant and unavoidable impact.**

Impact AIR-7:

The project could conflict with an applicable plan, policy or regulation of an agency adopted to reduce the emissions of greenhouse gases. **Significant and unavoidable impact.**

References:

1. <http://www.stateoftheair.org/2012/msas/Los-Angeles-Long-Beach-Riverside-CA.html#>
2. <http://www.lung.org/associations/states/california/assets/pdfs/sota-2012/sota-2012-south-coast-fact.pdf>
3. http://www.arb.ca.gov/research/health/pm-mort/pm-report_2010.pdf
4. <http://www.lung.org/associations/states/california/assets/pdfs/advocacy/protect-ab-32/air-pollution-by-the-numbers.pdf>
5. http://www.rivcoph.org/Portals/0/pdf/health_profile_press_release.pdf
6. http://www.rivcohealthdata.org/downloads/reports/publications/2013_Community_Health_Profile.pdf
7. <http://www.aqmd.gov/pubinfo/PDF/poweringthefuture.pdf>
8. <http://www.californiabreathing.org/phocadownload/asthmaburdenreport.pdf>
9. <http://www.scpcs.ucla.edu/news/CHSPolicyBrief.pdf>

10. <http://www.scpcs.ucla.edu/news/CHSPolicyBrief.pdf>
11. <http://www.pe.com/local-news/riverside-county/moreno-valley/moreno-valley-headlines-index/20120616-moreno-valley-jobs-analysis-doesnt-mesh-with-warehouse-realities.ece>

RESPONSES TO LETTER G-49

Karen Jakpor

Response to Comment G-49-1. The commenter notes that that the project would have six air quality-related significant and unavoidable impacts as shown in the Draft Environmental Impact Report (DEIR). The comment is noted and acknowledged but does not raise any new issues.

Response to Comment G-49-2. The commenter notes the statistics on the state of air quality published by the American Lung Association for the greater Riverside County region including Moreno Valley.

The commenter did not raise any new issues. Air quality in the region has significantly improved in the past two decades, as discussed in the DEIR (Figure 4.3.1: Percent of Days Basin Exceeds Federal Ambient Air Quality Standards (AAQS); Figure 4.3.2: Exceedances of 1-Hour and 8-Hour Federal Standards; Figure 4.3.3: Number of Days per Month Federal Ozone Standard Exceeded, 1976–2000; Figure 4.3.4: NO_x, VOC, and Ozone Trends in the South Coast Air Basin; and Figure 4.3.5: Particulate Matter Trends in the South Coast Air Basin).

Further, a review of PM_{2.5} air quality trends in the Inland Empire including air monitoring data at Mira Loma, Fontana, San Bernardino, and Riverside Rubidoux have shown marked downward trends in the Inland Empire since 2001. PM_{2.5} is often used as a surrogate for airborne particulate matter such as diesel particulate matter (PM). These trends are evident despite the urban and logistics warehouse development during this time period. These trends are shown in the exhibit, Particulate Matter Trends and Emissions Forecast, contained in the revised analysis.

Response to Comment G-49-3. The commenter notes that because of air quality nonattainment in the project region, the site is unsuitable for such a large project and that the project should not be approved

The entire South Coast Air Basin is in nonattainment. If the project were not constructed in the proposed site, warehouses would likely be constructed elsewhere in the air basin. Also see Response to Comment G-49-2. The policies of the region do not seek to attain compliance with ambient air quality standards through prohibiting growth. In fact, regional planning documents like the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plans seek through the application of advanced emission control technology, which this project is implementing through measures such as requiring 2010-compliant trucks. All of the air quality improvements in the South Coast Air Basin over the 50 years have been achieved through the use of cleaner technologies, not prohibitions on development. The City Council will consider all comments made on the project before making a decision on the project.

Response to Comment G-49-4. The commenter inquires how the city can help reach attainment of ambient air quality standards by approving the project. See Response to Comment G-49-3.

Response to Comment G-49-5. The commenter asks how city planners have helped achieve state and federal air quality standards. Local planners help in this regard by requiring individual development projects to comply with established laws and regulations regarding air pollution, and by recommending appropriate mitigation for such projects in the California Environmental Quality Act (CEQA) documents that must be prepared and approved prior to development of such projects. Planners also help achieve these standards by recommending General Plan goals, policies, and objectives that guide future development and City activities in ways that help achieve these standards. However, it is the decision-makers who must adopt and are ultimately responsible for the implementation of the General Plan (see DEIR MMs 4.3.6.2A-D, 4.3.6.3A-D, and 4.3.6.4A).

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-49-6. The commenter provides several statistics that indicate the severity of air pollutants and their health impacts in California and Riverside County. Please refer to Response to Comment G-49-2.

Response to Comment G-49-7. The commenter notes that air pollution causes numerous health impacts other than cancer. Non-cancer health hazards are discussed in the Master Response-2: Health Effects of Diesel Particulate Matter in Letter C-3.

Response to Comment G-49-8. The commenter asks for the calculation of the additional rate of premature deaths from heart disease, chronic lower respiratory disease, and stroke.

Particulate matter (PM₁₀ and PM_{2.5}) is a public health concern, as it is known to impact both the respiratory and cardiovascular systems. PM₁₀ and PM_{2.5} deposition in the lungs and penetration into the bloodstream (for the smallest particles) triggers a range of inflammation responses and exacerbates health problems such as asthma and chronic bronchitis. Individuals susceptible to higher health risks from exposure to airborne PM include children, the elderly, smokers, and people of all ages with low pulmonary/cardiovascular function. The Air Resource Board (ARB) reviewed and summarized the non-toxic health effects (mortality and morbidity) of PM exposure and presented a health effect model attempting to quantify these impacts based on concentration-response functions.³⁹ This ARB model has been used, for example, to estimate the number of cases of disease and premature deaths linked to PM and ozone exposure from ports and goods movement activity in California.⁴⁰

Although the ARB model has also been used to quantitatively assess project-specific incremental levels of public mortality and morbidity, such calculations are subject to significant uncertainty. Sources of uncertainty include emission estimates, population exposure estimates, concentration-response functions⁴¹, baseline rates of mortality and morbidity that are entered into concentration response functions (C-R functions), and occurrence of additional not-quantified adverse health effects. It should be noted that the nature of PM as a complex mixture of various pollutants, as well as the confounding health effects of pollutants such as sulfur dioxide, nitrogen dioxide, carbon monoxide, and ozone that tend to co-occur with PM in ambient air, greatly increase the complexity of deriving accurate PM concentration-response functions. Health risk estimates derived in the presence of significant uncertainty tend to rely on very conservative assumptions that may greatly overestimate the potential adverse health effects. As stated by ARB in a 2006 study of diesel PM exposure from ports and goods movement in California: "Risk assessment has various uncertainties in the methodology and is therefore deliberately designed so that risks are not under predicted. Risk assessment is thus best understood as a tool for comparing risks from various sources, usually for purposes of prioritizing risk reduction, and not as literal prediction of the community incidence of disease from exposure."

However, perhaps the most compelling use limitation of C-R functions for site-specific projects is the consideration of whether it is valid to apply the C-R functions to changes in PM concentrations that are far below the ambient concentration. For example, the Air Resource Board/ Office of Environmental Health Hazard Assessment (ARB/OEHHA) analysis applied a threshold of 18 µg/m³ for the long-term mortality C-R function for PM₁₀ and 9 µg/m³ for PM_{2.5}, representing the lowest

³⁹ Concentration-response functions are used to predict the effect of changes in ambient PM concentrations on health effects such as premature deaths, cardiac and respiratory hospitalizations, asthma and other lower respiratory symptoms, lost work/school days, etc.

⁴⁰ ARB 2006. Emission Reduction Plan for Ports and Goods Movement in California. April 20.

⁴¹ Concentration-response functions may be location-specific, since the composition of particulate matter varies significantly by region, and not all types of particulate matter are expected to have the same health effects. Therefore, the application of concentration-response functions obtained from epidemiologic studies conducted, for example, outside of California may introduce significant errors in estimating impacts in the South Coast Air Basin.

concentration level observed in the long-term mortality studies evaluated⁴². In other words, ARB/OEHHA assumed that the C-R functions were continuous and differentiable down to threshold levels. In the case of trying to quantify project-specific impacts, it may not be appropriate to use C-R functions that were developed with a threshold significantly higher than the change in PM due to the project.

Despite these uncertainties in the analysis methodology, the estimated increase in mortality was calculated for the project. The most common forms of the C-R function are represented in the log-linear form as discussed in the Health Risk Assessment of the Port of Long Beach Middle Harbor Project.⁴³

$$\Delta y = y_0 (e^{\beta \Delta PM_{10}} - 1) \times \text{population}$$

Where:

Δy = changes in the incidence of a health endpoint corresponding to a particular change in diesel PM

y_0 = baseline incidence rate per person for the South Coast Air Basin (= 0.001768)

β = coefficient (diesel PM: 0.005827); this coefficient is based on the relative risk that is associated with a particular concentration and varies from one study to another; and

ΔPM_{10} = change in diesel PM concentration ($\mu\text{g}/\text{m}^3$)

Population = population of the impacted area (for this case greater than 30 years of age)

From the health risk assessment contained in the revised analysis, the highest annual average diesel PM concentration increase due to the project noted prior to mitigation was approximately 0.103 $\mu\text{g}/\text{m}^3$ south of the project. The population noted within this census tract at this location based on the 2010 census data was 3,784 (or 2,081 at 55 percent of the total population). Inserting these values into the above mortality equation yields an increase in mortality (cases per year) of 0.002 at this location and a total of an additional 0.2 cases per year over all of the census tracts contained in the air dispersion modeling domain. The revised air quality assessment provides the results for additional health risk endpoints including chronic illness (chronic bronchitis), hospitalization (Chronic obstructive pulmonary disease), hospitalization (pneumonia – Age 65+), hospitalization (cardiovascular-Age 65+), hospitalization (asthma-Ages 0-64), and emergency room visits (asthma).

Response to Comment G-49-9. The commenter asks for the calculation of additional health care costs that result from the additional disease burden of heart disease, cancer, chronic lower respiratory disease, and stroke.

Health costs are speculative due to several levels of uncertainties in establishing concentration-response relationships between pollutant levels and a particular health outcomes (i.e., mortality, hospitalizations, etc.) and then assigning monetary cost relationships between pollutant levels and health effects, uncertainties in population dynamics, uncertainties in estimating emission levels and their corresponding impacts on air quality, and establishing the linkage between the toxicity of various air pollutants and their effects on health effects⁴⁴. These uncertainties are rooted in incomplete

⁴² California Air Resources Board 2002. Staff Report: Public Hearing to Consider Amendments to the Ambient Air Quality Standards for Particulate Matter and Sulfates, Chapter 9; Website: <http://www.arb.ca.gov/carbis/research/aaqs/std-rs/pm-final/PMfinal.pdf>

⁴³ Port of Long Beach 2008. Health Risk Assessment for the Port of Long Beach Middle Harbor Redevelopment Project. Website: <http://www.polb.com/civica/filebank/blobdload.asp?BlobID=5134>.

⁴⁴ Frass, A. 2010. The Treatment of Uncertainty on EPA's Analysis of Air Pollution Rules. Website: <http://www.rff.org/documents/RFF-DP-10-04.pdf>

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

scientific knowledge. When benefits are estimated for future target populations, the cumulative magnitude of the uncertainties can be formidable. Many of them can be reduced by further research, but on the whole, they are likely to remain high. Because of the inherent speculative nature involved in the cost estimation process, no further discussion is necessary.

Response to Comment G-49-10. See Response to Comment G-49-9.

Response to Comment G-49-11. The commenter asks, "what is the project's economic burden on air quality." California Environmental Quality Act (CEQA) does not require the analysis of economic impacts of a project unless there is a direct correlation to adverse physical changes in the environment. In the case of the World Logistics Center (WLC) project, the economic study prepared for the project, (DTA 2014) clearly outlines the direct and indirect costs and benefits of the project on the City finances. Appropriate assumptions and methodologies have been clearly established in the David Taussig & Associates (DTA) study for this level of analysis. However, the commenter does not define what is meant by economic burden, and the DTA study does not provide overly speculative estimates of more general or indirect regional economic impacts of the project that are likely intended under the category of "economic burden."

Response to Comment G-49-12. The commenter asks, "what are the health costs of air pollution from the project." As outlined in the Response to Comment G-49-11, the project economic study and EIR did not examine overly speculative issues such as economic burden, including health costs from air pollution. Such a level of analysis is not required and is even discouraged by CEQA (State CEQA Guidelines Section 15145).

Response to Comment G-49-13. The commenter notes the finding of the USC Children's Health Study and questions why it was not included in the project analysis. The Children's Health Study is discussed in the Master Response-2: Health Effects of Diesel Particulate Matter, in Response to Comment F-11-A6, and in the revised air quality analysis.

Response to Comment G-49-14. See Response to Comment G-49-13.

Response to Comment G-49-15. The commenter questions why there was not a more thorough examination of non-cancer health risks, both acute and chronic. The DEIR did examine the chronic non-cancer health risks from the project's emissions and concluded that the project's diesel PM emissions would not result in a significant non-cancer impact, that is exceed the non-cancer health hazard significance threshold established by the SCAQMD. In the revised analysis, more attention was focused on potential acute non-cancer hazards by examining the various chemical constituents of the gasoline and diesel total organic emissions from the project. To accomplish this, estimates were made of the maximum hourly emission rates of TOGs from all of the project's vehicles including gasoline-powered vehicles and diesel-powered vehicles. This is fully discussed in Response to Comment E-3-6. The assessment of acute non-cancer hazards concluded that the project's emissions from gasoline and diesel vehicles would not results in any significant impacts based on the significance threshold established by the SCAQMD for assessment acute non-cancer hazards.

Response to Comment G-49-16. The commenter wonders how the project will help the City comply with SB 375 and AB 32. The WLC project will generate a large amount of greenhouse gases (GHGs) due to its size and type of land use. However, most of these emissions are capped by AB 32 through its cap-and-trade program. The project's uncapped GHG emissions are less than the SCAQMD's significance threshold. In addition, the project will implement many programs and strategies to limit GHG emissions from future users (DEIR MM 4.7.6.1A) to help reduce "business as usual" (BAU) emissions by 30 percent or more, which complies with the goals of AB 32. In addition, the creation of a large job center in a housing rich/jobs poor areas such as Moreno Valley will incrementally help the region achieve a better balance of jobs and housing, and will ultimately reduce regional air pollutants and GHGs by reducing commuting distances for future workers within the WLC and the City of

Moreno Valley (refer to the discussion of AB 32 and SB 71 in DEIR Section 4.7 on pages 17 through 20).

Response to Comment G-49-17. The commenter inquires about the cumulative effects of emissions from other nearby proposed warehouses on health risks. The DEIR, Section 4.3.7.4 Health Risk Impacts examined the cumulative impacts of the project in combination with existing, proposed, and reasonably foreseeable projects in the area surrounding the project and concluded that the cumulative impacts of the project would be significant. The results contained in the revised analysis confirm the conclusions in the DEIR. The revised analysis, Section 5 Cumulative Impacts and the DEIR both concluded that the project would have a cumulatively considerable impact.

Response to Comment G-49-18. The commenter inquires as to the cumulative effects of the I-60 freeway widening on air pollutants. The widening of the I-60 Freeway would lead to a more efficient flow of traffic and lower emissions and consequently lower air quality impacts.

Response to Comment G-49-19. The commenter asks why rail was not considered, or if there are rail plans in the works. He points out that the Riverside line of Metrolink has comparatively few trains running as it shares its track with freight trains, and asks if rail expansion to warehouses would reduce track availability for mass transit. An additional section (Chapter 4, Section F) has been included in the revised TIA (FEIR Volume 2, Appendix L) that analyzes the potential for serving project trips by rail. The analysis showed that rail service to the project site is not viable due to a range of factors, including high fixed costs, secondary impacts on the community, and capacity constraints within the rail system.

Response to Comment G-49-20. The commenter expresses concern that workers at the new Skechers facility only transferred from the Ontario facility and regional workers were actually a net loss. First, it must be noted that this comment is about the Skechers facility rather than specifically about the proposed World Logistics Center (WLC) project. The Skechers facility has been used as a negative model in evaluations of the WLC project, with commenters assuming job estimates from future development within the World Logistics Center Specific Plan (WLCSP) would be much lower and just transfer from other areas. Several points must be made in this regard. First, the job estimates widely touted for the Skechers facility were actually for the entire Highland Fairview Corporate Park, of which Skechers was only a part. Second, it is true the Skechers facility was an existing warehouse that transferred from the Ontario area, but future warehouses within the WLC project will be of many different types, most likely to be new warehouses, rather than simply transfers from other areas. Third, the Skechers facility opened just before a major downturn in the local and national economy, so even now it is not operating at full capacity or employment. Fourth, the Skechers facility is highly automated, but the degree of automation in future warehouses within the WLC project would probably vary tremendously (e.g., automated warehouses have fewer but higher skilled workers, while less automated warehouses may have many more unskilled or lower skilled workers). Finally, the amount of part-time to full-time workers, as well as the degree of skilled workers, each warehouse employs will vary tremendously. The employment assumptions used on the DTA study, both the original study and the revised study, were based on industry standard regional values which have proved to be reliable over the years in estimating future employment from new uses such as logistics warehousing.

Response to Comment G-49-21. The commenter queries as to whether the impact of commuters traveling to Moreno Valley on level of emissions was considered. All traffic (by employees and delivery trucks) resulting from the project was accounted for in the development of the traffic impacts from the project. The traffic volumes, in turn, were used to estimate the project's traffic emissions and resulting air quality impacts from the project. The daily traffic volumes used in the air quality and greenhouse gas emissions analyses in the DEIR are identified in Table 17 and Table 18 in Appendix D in the DEIR. The trip generation rates for the "local" trips as estimated in the DEIR (which are assumed to be primarily employee trips) are shown in Table 16 in Appendix D in the DEIR. In the

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

revised analysis, the revised traffic analysis provided the traffic volumes and the fleet mix on roadways on project impacted roadways and freeways. The emissions from trucks and commuters were input into a dispersion model for the localized analysis and health risk assessment to determine air pollution and cancer risk impacts to the surrounding communities.

Response to Comment G-49-22. The commenter's April 9, 2013 letter questions the projected number of warehousing jobs to be created by the WLC on the basis that the Skechers warehouse project did not generate as many jobs as may have been expected. The DEIR analysis relied on information compiled from data sources within the County and Metropolitan Statistical Areas pertinent to the WLC, as explained in detail in the Response to Comment G-90-1. Notably, as the Skechers warehouse project has not completed their second phase of development, and the company was negatively impacted by the Great Recession, it is not known yet whether it will ultimately generate the number of jobs that were initially expected. Furthermore, while both the Skechers warehouse and the WLC both provide a location of logistics-type activities, the WLC is a much larger project that it is expected to encompass a much wider range of logistics facilities. Some of these facilities may be highly robotized and less labor intensive, while others (e.g.; fulfillment centers) are likely to be more labor intensive and will require a higher number of employees per square foot. Therefore, even if the Skechers plant does not ultimately generate as many jobs as were expected, it is unfair to apply the number of Skechers jobs with the employment expected in much larger and more versatile facilities as are anticipated for the WLC.

Response to Comment G-49-23. The commenter is concerned about the size and impacts of the project and that it has inadequate mitigation for air quality impacts. The WLC project is a regional logistics center large and proposes a large amount of new warehousing in this area. The original air quality study contained extensive mitigation for air pollutant impacts, and the revised study (based on the many comments received on the DEIR) provide additional mitigation for both onsite and offsite air quality impacts. It will up to the discretion of the City Council to determine if the benefits of the project outweigh its significant environmental impacts, and the Council will consider all comments and responses on the project and EIR prior to making a decision on the project.

Letter G-50: Ann McKibben (April 8, 2013)

Via e-mail: markg@moval.org

Mark Gross, Senior Planner
Community & Economic Development Dept.
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92557

Dear Mr. Gross:

Re: World Logistics Center Project, Draft Environmental Impact Report (SCH
#2012021045)

The following are my comments on the Draft Environmental Impact Report (DEIR) for the World Logistics Center Project.

The project design is extremely poor land use planning. The proposed project is 41.6 million square feet of warehousing, approximately the size of 700 football fields set in the midst of low density residential and agricultural lands. The land use is incompatible with surrounding land uses and does not match the city's general plan.

1

There is not adequate infrastructure in place (such as rail facilities and highways) to serve the project. Thousands of trucks will clog our already traffic-filled freeways and local roads; it will increase freeway congestion. The taxpayers of Moreno Valley and the entire inland region will end up subsidizing infrastructure improvements through their local, county, state and federal taxes. It places an unfair tax burden on the residents of Moreno Valley and the Inland Empire.

2

The Inland Empire already has some of the worst air quality in the country. 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](http://www.catf.us/diesel/dieselhealth/DieselSootHealthImpacts;CleanAirTaskForce;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."

3

The proposed project will have devastating impacts on the state-owned 11,000 acre San Jacinto Wildlife Area (SJWA). The SJWA shares a common boundary with the proposed WLC project lands. The wildlife area is a Multi-Species Habitat Conservation Plan (MSHCP) reserve for the County of Riverside. Its purpose is to preserve threatened and endangered plants and animals for future generations. Lights, noise, air pollution will affect the viability of the SJWA as an MSHCP reserve and its recreational uses such as hunting and observing birds and other wildlife.

4

World Logistics Center/DEIR Comments/ATMcKibben/Page 2

Lastly, I do not support this project. It is extremely disappointing to see the city of Moreno Valley lower its standards and work to promote a project that will in the long term destroy the quality of life of our city. It is obvious to anyone that the economic benefits touted by the city and its band of supporters will not be attained. Here is a city that has a population of almost 200,000 residents but yet chooses to ignore the comments of its residents and has denied them the ability to be part of the planning process from the inception of the project. The city holds 'public forums' that do not allow the residents to ask questions or make comments saying that opportunities will come. You can do a better job.

5

Thank you for considering my comments. Please notify me of all meetings, documents and any other information related to this project. My contact information is listed below.

Sincerely,

Ann Turner McKibben
23296 Sonnet Drive
Moreno Valley, CA 92557-5403
atmckibben@roadrunner.com

RESPONSES TO LETTER G-50

Ann McKibben

Response to Comment G-50-1. The proposed World Logistics Center (WLC) project includes a General Plan Amendment (GPA) that identifies those portions of the City's General Plan that will be revised if the WLC project is approved, and that GPA was evaluated in appropriate sections of the EIR (e.g., 4.10, Land Use and Planning). The City Council will consider all stated opinions and comments on the project and Environmental Impact Report (EIR) prior to making any decisions regarding the proposed WLC project.

Response to Comment G-50-2. The commenter their opinion that there is not adequate infrastructure in place (such as rail facilities and highways) to serve the project. "Thousands of trucks will clog our already traffic-filled freeways and local roads; it will increase freeway congestion. The taxpayers of Moreno Valley and the entire inland region will end up subsidizing infrastructure improvements through their local, county, state and federal taxes. It places an unfair tax burden on the residents of Moreno Valley and the Inland Empire."

The project does not propose to use rail services. An additional section (Chapter 4, Section F) has been included in the revised Traffic Impact Assessment (TIA) (FEIR Volume 2, Appendix L) that analyzes the potential for serving project trips by rail. The analysis showed that rail service to the project site is not viable due to a range of factors. Limitations on the ability of rail infrastructure to accommodate additional loads were specifically cited as a reason why rail service is not considered a viable option.

The TIA analyzes the project's impacts on surface streets and freeways, identifies where impacts would occur, and describes the improvements needed to mitigate these impacts. The project will be required to pay its fair share for these improvements. Chapter 11, Section E of the TIA describes the project's contribution to for improvements needed to mitigate direct impacts. Chapter 11, Section F similarly describes the project's fair-share contribution towards the improvements needed to mitigate cumulative impacts.

Response to Comment G-50-3. See Response to Comment E-3-6.

Response to Comment G-50-4. The DEIR correctly spells out measures associated with the requirements of Section 6.1.4 of the (Western Riverside County) Multiple Species Habitat Conservation Plan (MSHCP) on the Urban/Wildlands Interface to protect adjacent resources. These include, light, noise, toxics, and water quality. Based on the revised MSHCP Consistency Analysis Document (FCS/MBA 2013), Mitigation measures will be imposed by the City of Moreno Valley through its processing of entitlements on a project-by-project basis regarding light, noise, trash, emissions, vectors, fuel management, runoff and water quality, as outlined in the various sections of the DEIR (e.g., 4.1, *Aesthetics*, 4.4, *Biological Resources*). All project operations within the WLCSP will be required to prepare a Water Quality Management Plan (WQMP), which will specifically detail all of the required safety precautions necessary to eliminate the risk of toxic contamination to any downstream water body. All project construction activities within the WLCSP will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP), which will specifically detail all of the required safety precautions necessary to eliminate the risk of construction related contamination to any downstream water body. All development within the project area will be required to obtain a statewide general National Pollutant Discharge Elimination System (NPDES) construction permit for all construction activities associated with the proposed project and will be subject to the County of Riverside's regulations to implement the NPDES program. The NPDES requirements are discussed in detail in Section 4.9 of the DEIR, Hydrology and Water Quality. Lastly, the portions of the WLCSP that are specifically located adjacent to Core Conservation Areas, which are located along the eastern and southern boundary of the WLCSP, will require project specific design features and

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

measures related to light, noise, trash, emissions, vectors, fuel management, runoff and water quality as part of the MSHCP requirements for projects affecting a recognized Urban/Wildlands interface. Mitigation measures will include specific project designs such as:

1. Light directing/restricting covers on light poles,
2. Vegetated buffer along the southern and western edge of the WLCSP to reduce noise impacts adjacent to residential development and the conservation area,
3. Street sweeping and trash removal requirements to reduce on-site and off-site trash issues,
4. The vegetated buffer mentioned above as well as a perimeter wall will be used to reduce the emissions leaving the WLCSP,
5. All detention basins will be designed to facilitate water quality improvements and will require assessments by vector control to reduce or eliminate standing water, and
6. The SWPPP and NPDES for each project will adequately address all fuel management, runoff water quality requirements.

Response to Comment G-50-5. The comment does not apply to the EIR analysis or conclusions, but are personal observations about the project and project review process. The DEIR concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-51: Michael McCoy (email) (April 7, 2013)

April 7, 2013

TO: City of Moreno Valley Planning Dept, Attn: Mr Mark Gross at markg@moval.org
City Hall, 14177 Frederick St, Moreno Valley, CA 92552

FROM: Michael McCoy, 10304 Crossing Green Cir, Moreno Valley CA 92557 at
mikeandnan@mac.com

SUBJECT: Official Comments for the Draft Environmental Impact Report (DEIR) for the
World Logistics Center (WLC) proposed for Moreno Valley, State Clearinghouse No.
2012021045

A. Opening General Comments on Overall Project:

Thank you, City Council for allowing others and me to comment on the environmental impacts of the proposed World Logistics Center in Moreno Valley. The EIR document is generally adequate although I will point out some important omissions and weak spots. The consultants the developer hired under City advisement are generally some of the best in the business and I respect their hard work. However, the citizens also should have an equal chance to voice their concerns and try to get the City Council to slow down the review process and listen to the people. The Mayor recently admitted that "trust" was a major problem between the people and elected officials that cried out to be remedied. If the WLC is given a complete and total airing of all views and allows all questions to be proposed by both the developer and project opponents it would go a long way to re-establishing that trust. Steamrolling a project through does not bide well for trusting the Council and their motives.

1

How the City deals with the vast list of unavoidable and severe environmental impacts the project would generate will illustrate that level of trust and of belief in the valid concerns of the general public. Will the City require even more mitigation? Will the project be declined in total and the developer shown the door? Will the City leaders go forth with the potentially divisive "overriding considerations" strategy, under CEQA to force the project on the community? Would the City put the project up to a vote of the people? Deep questions need supportable answers and so far I have mostly heard a lot of concealment and avoidance of unfriendly opinions from City Hall.

2

It's no secret that I am an opponent of the World Logistics Center as now envisioned by the developer and its cheering section on the City Council. My comments in the following pages show that I am invoking much of the data and predictions found in this Draft EIR as glaring proof that the WLC is totally inappropriate for this particular location, for Moreno Valley and for the entire Inland Region. The developer acquired some relatively cheap land and is maneuvering the approval process to its liking and claiming it will be a 'jobs bonanza' despite a track record to the contrary. The Skechers project brought insignificant new jobs to Moreno Valley's citizens and indeed now only employs about 160 workers compared to the 2,000 originally promised.

3

During these forthcoming debates over approval of the project, I propose a moratorium on any job predictions for the WLC. Neither the City, the developer or its consultants can guess years ahead what tenants will build there, the nature of their logistics and warehouse operations, or at what future date they will be up and running. Final build out is predicted for either 2022 or 2035 in the EIR. Any such job numbers for that far ahead are pure fiction.

The World Logistics Center is in my opinion, also doomed to failure in this location because it faces significant loss of business potential due to forthcoming shifts in global goods movement as a result of the long-forecasted widening of the Panama Canal. No matter what is proposed for Moreno Valley, factors far beyond our control will constrain and reduce the need for west coast warehouses. In a once-in-a lifetime paradoxical shift due to the Canal, West Coast ports will lose their competitive edge and regional warehouses could be left vacant.

The WLC, especially, will be "left behind" as a desirable freight staging area as goods movement shifts from the Ports of LA and Long Beach to Mexican, Gulf Coast and East Coast harbors closer to cargos' ultimate destination. The other entry ports are usually cheaper to operate, also. Recent LA Times news articles indicate LA-based officials are now concerned and local California ports, railroads and trucking services are fighting back. However, improved rail and air facilities plus more robust freeway and cargo transferring resources exist elsewhere, all of which are lacking at the WLC site. Better accessed warehouse complexes in Palmdale, Victorville and other desert locations that have plenty of rail, air, interstate freeway and room for innovative cargo-handling facilities, including "high cube" design will hang on to whatever logistics business remains tied to the West Coast.

B. Comments pertaining to Section 1.0 Executive Summary:

1.3 Public Involvement

In some respects the City as Lead Agency has not been as pro-active with encouraging and incorporating expressions of concern and alternative views from the public on the WLC as should be expected with a project as important and controversial as this is. In my opinion, the City has breached the public trust by only barely complying with the legal requirements under CEQA and has avoided or shunned any kind of fair and equal debate. This "doing as little as possible" or "meeting the letter of the law and nothing more" attitude has damaged the integrity of the Council, the review process by not having a true dialog addressing the concerns of the General Public.

All meetings, so-called "forums" and presentations have been almost totally one sided and favoring only the City Council's position regarding the WLC, being one of unwavering support for it. Project opponents have been limited to brief three-minute speeches at meetings and face other limited opportunities. For example, no procedure was provided by the City Council for the public to comment on or ask questions to

taxpayer-paid presenters at recent forums, impeding any fair assessment of all sides of the issue in a public meeting.

When I asked Mayor Owings after the Feb. 26 "Forum" if there would be a future opportunity to ask questions and comment on his statements and those of the consultants made that evening, he told me to e-mail him and that he was also planning for a more genuine question and answer forum soon... but I have never heard back or seen any announcements thereto. Project opponents have had to organize and operate their own meetings and programs, which, curiously, were attended by City staff and the WLC developer.

6

Even the City's internet presence for this Draft EIR seemed buried in the many diverse sections of the municipal website. Due to its controversy and public interest, perhaps it should been tagged somehow on the home page or directly in the Planning Dept section. Search line entries for "DEIR" and other guesses by the public usually failed because the user didn't enter the proper arcane jargon. Oh, no laws were broken and maybe this wasn't on purpose and I'm certain the tech-savvy among us had no serious issues, but its just another example of the City sometimes unfairly makes it tough on opponents of the project while it smoothes the way for the developer.

1.4 Areas of Controversy and Issues to be Resolved

Some of the points I raised following the March 2012 Notice of Preparation (NOP) Hearing were not mentioned in this section that claims to be a fair summary. The usually highly-thought-of and reputable LSA staff must have considered some topics either not controversial or not subject to comment or responses under CEQA, including:

- ⌚ A conceptual site plan showing generalized street network and building placement. Later on I did find a basic street network but not any buildings.
- ⌚ Air Quality emission impacts beyond just the "nearby residential" area.
- ⌚ Alternative fuels as potential mitigation to excessive pollutant emissions.
- ⌚ Review of WLC's position in the real-world global logistics and goods movement picture, especially with respect to the widening of the Panamá Canal.

7

Most of these topics are covered in the detailed portions of the EIR or in the appendices but not including them in the Executive Summary is a disservice because most of the public cannot spare the time to investigate those thousands of pages.

1.5 Significant Impacts

I agree that these 10 bullet points will obviously be significant, however this list is incomplete should be greatly expanded, even at the Executive Summary level, because this is the only section of the DEIR that the vast majority of the public can absorb.

8

1.6 Alternatives to the Proposed Project

This section does a commendable job of mentioning alternatives to the project. I have no further comments on it.

9

1.7 Impacts and Mitigation Summary Table

I note or recommend the following:

On Agricultural Impacts Section 4.2.6.1A, the donation by Highland Fairview for a 5-acre heritage farm is noted but some might see this as a cruel joke considering the overall loss of farmland under WLC warehouses and accessways. However, this idea has potential and the developer should work with gardeners or clubs to find the best soil or accessible site in the WLC for the amenity.

10

I strenuously object to the description of air quality Impact 4.3.6.1 and lack of feasible mitigation offered. I contest the statement "substantially improve the jobs/housing balance" and predict that if WLC is built out it will only marginally, at best, expand employment in Moreno Valley. The "jobs" argument in favor of this project is a Big Lie, as evidenced by past and current performance of Highland Fairview and Skechers.

11

Regarding Construction Phase Air Quality impacts 4.3.6.2 in general, the mitigation described is the usual boilerplate language for these kinds of large projects and I see little technological advancement over what's been done for decades. My concerns are with this huge, 41 million sq ft WLC project dragging on for years, with construction emissions becoming more "permanent" and having continual, nagging negative impacts on the entire eastern "Rancho Belago" section of Moreno Valley, and would suppress property values, positive attitudes and quality of life for a generation.

12

I object to the project's Air Quality 4.3.6 evaluation that will evidently lead to "significant and unavoidable" impacts as the WLC is built out. Lady and Gentlemen of the Council, severe truck-related local and long-term regional air pollutant emissions and chronic health risks are simply not worth it just to attain a marginal employment value and enrich the developer. This project's scope, impact and unfavorable location are simply incompatible with public health throughout the Inland Counties.

13

Impact 4.6.6.1 regarding mapped earthquake faults and Alquist-Priolo Fault Zone setbacks is adequately covered in the summary, however, I question the usefulness and reliability of work-around special engineering devices and schemes for building on or near the faults. The developer should refrain from building in these areas even though it would reduce the overall square-footage of the WLC.

14

I contest the statements in Impact 4.10. regarding WLC conflict with existing and applicable land use plans and policies where it promises the WLC "will substantially improve the City's jobs/housing balance" and therefore can avoid any stigma of

15

inconsistency with the General Plan upon its amendment to favor the project. Again, this huge 'jobs goldmine' is a greatly over-valued contention by the City, the developer and the Environmental Consultant. I predict only a marginal or inconsequential positive employment impact, especially with the price being paid by the community to accept this WLC boondoggle being forced on us.

15

Perhaps the WLC would not precisely "Physically Divide an Established Community", (see also in Impacts section 4.10,) but it will threaten and isolate the quality of life of the more rural and relaxed eastern side of Moreno Valley. Established neighborhoods such as the attractive Canterbury Downs and neighboring streets just west of Redlands Blvd, with large lots, horse stables, country clubs and even a few working farms will be negatively impacted forever by the poorly conceived World Logistics Center.

16

The quiet, established neighborhood of Old Moreno will be directly adjacent to WLC property and will suffer serious and needless impacts in many ways. The mitigation suggested in the EIR will be insufficient to maintain livability in Old Moreno and people will become disgusted with the overall environment and will have to fight a long battle to maintain their quality of life and property values. For example, see the story that's been in the press about the little neighborhood in Jurupa Valley at the NE corner of the 60 Freeway and Etiwanda Ave that is now ground zero for particulate pollution in the South Coast region, mostly due to transportation-generated emissions from trucks.

17

Long-term property values will likely suffer due to the intrusive presence of the WLC. This part of Moreno Valley should have been set aside for a rural gentry neighborhood similar to Riverside's Arlington Heights or parts of Redlands and Banning. It could be the pride of an upscale Moreno Valley instead of a Regional headache, eyesore and so-out-of-place industrial zone.

18

The section on traffic Impacts 4.15.7 seems, in my opinion to "hope and pray" the City can work with Caltrans and other agencies to "employ measures" to construct additional facilities needed for truck access to the WLC. The Executive Summary here retreats to the "significant and unavoidable" position yet fails to draw (or is concealing a point-by-point illustration of it) any nexus between truck traffic generated by 41 million square ft of warehouses and the subsequent need for widened freeways, interchanges and the expenses of truck-only climbing lanes through the Badlands to move WLC-based cargo to Eastern destinations. These upgrades will take a decade to complete and just don't appear by magic. In a state strapped for highway funds, there is no guarantee they could ever be built in time for 2035's full occupancy of the WLC and the resulting snafus would lead to night-and-day traffic nightmares throughout the Inland Region, as documented later in the EIR under Traffic and Circulation.

19

Table 1.B. List of All Mitigation Measures.

I'm glad the developer will have to preserve the olive trees along Redlands Blvd.

20

Glare from buildings will have negative impacts throughout the region and even stricter regulation of lighting glare will be needed to preserve “dark skies”. The proposed mitigation is a good step in the right direction but needs to be beefed up.

21

The many construction phase mitigation measures (4.3 & 4.4) are a valiant effort to clean up the messiest part of any project but most nearby residents and businesses are concerned that these measures will still fall short of adequately protecting existing neighborhoods. For example, dirt hauler trucks are chronic violators by the nature of their independent driver speed-up and by-the-load method of payment by vendors. This often leads to reckless, short cut driving behavior by some at times, as trucks descend on projects by the dozens, often in numbers beyond police power to control them. What can be done? The accumulative impacts of the construction traffic, hazards, fugitive dust and other annoyances will ruin the atmosphere in the east end of Moreno Valley for years, despite these efforts to mitigate them.

22

Besides, the current developer has a pattern of weaseling out of conditions of approval and other regulations during the actual discretionary review process – as exhibited when Skechers went thru Planning - and in my opinion this behavior will not change and some of the mitigation measures will end up existing only on paper. The developer’s friends on the City Council will likely coddle and protect their benefactor.

23

In Measure 4.5.6.2B, I’m glad the developer will contribute to a Juan Bautista de Anza historic marker.

24

Under Noise Mitigation measures, Section 4.12.6 regarding sound walls, many of the proposed sound walls are quite distant from the World Logistics Center, indeed one is contemplated for somewhere along Riverside’s Sycamore Canyon Blvd. near Central Ave, (unclear in Mitigation Measure text as to its precise location) nearly 10 miles distant from the WLC, along the steep “Box Springs Grade” of Interstate 215 and State Route 60. This is apparently to reduce traffic noise from vastly increased truck movement resulting from the project. The Final EIR needs to better explain the rationale behind requiring a sound wall so distant from the project site. Some explanation is given in The Traffic and Circulation portion of the EIR, later on.

25

Despite the noise studies, I doubt the effectiveness of all these distantly placed sound walls. Indeed, I find that this particular Sycamore Canyon one illustrates the impacts of additional truck traffic noise that could affect all existing residential and commercial neighborhoods all across Moreno Valley adjacent to the 60 Freeway. It will become a “river of noise” impacting the lifestyle of the heart of the City. This underscores the little-publicized nuisance and intrusion of truck traffic noise brings into existing homes.

26

As an additional mitigation measure, the speed limit for all big rig trucks along the 60 Freeway, for 10 miles either side of the WLC, should be reduced to 45 mph for safety and noise-reduction reasons. The EIR’s noise consultant should perform the calculations showing how noise levels would be mitigated.

27

Regarding Traffic and Circulation Mitigation Measures, in Section 4.15.7, I oppose the unfair degree of reduced TUMF and DIF fees to be assessed on individual warehouse development projects. The City Council brokered this cozy arrangement by consultation with and undue political pressure upon WRCOG to benefit the developer to use this fee reduction as a marketing selling point. I have seen these reductions used in real estate ads for competing logistics complexes in Adelanto and Victorville, for example. Although some minor relief from DIF and other fees for warehouses is common, nationally, in my opinion, this "gift" to the WLC developer is excessive and unfair to others who have participated in these fee assessments.

28

Any TUMF fee reduction for high cube warehouses would be especially unwise considering that these heavily overweight trucks serving the project would disproportionately assail and damage the public roads in comparison with other traffic that pays more than their share of the highway repair bills. Trucks are always beating up the pavement and crashing into overpasses. Our little automobiles don't do either. This is another example of a cushy deal that benefits only the developer, warehouses and trucking companies while the general public pays an unfair share for infrastructure.

29

I don't have a lot of confidence in any agency, especially the City of Moreno Valley to successfully identify and implement adequate funding sources for State and "extra-territorial improvements" (alas, unwelcome transportation jargon for "widening the 60 Freeway between Riverside and Beaumont") as written in 4.15.7.4F. The cost of such a project alone would approach \$1 billion in scarce highway widening funds. Such a costly concept for widening 60 would have to compete, politically, with hundreds of other worthy projects on the drawing boards, statewide. I feel the same way regarding all the interchange improvements needed.

30

C: Comments on Section 2.0, Introduction and Purpose.

I agree that the Program EIR is the appropriate CEQA process for the World Logistics Center however that processing benefit to the developer needs to be balanced with greater public input and discourse than has been allowed and encouraged by the City Leadership, so far. A project of this vast local and regional significance deserves every opportunity to go beyond the minimum that the law requires and not be, to any degree, 'railroaded' through the approval process. In my opinion, the City has not been fair about this and in fact has given undue voice and even tax dollars to support to promote and favor the developer, primarily and not a fair and comprehensive public discussion.

31

The 45 issues identified in Table 2.B seems to be an adequate basis for discussion.

32

D: Comments on Section 3.0 Project Description:

I reject, resist and will not personally adhere to using the "Rancho Belago" mis-designation of eastern Moreno Valley. This appellation is an artificially created

33

marketing device of dubious value and has not been supported by polling data or anecdotal comments from the citizens of Moreno Valley, including former City leaders. Although a few current City Council members have to various degrees supported the label, it evidently has little public support. This designation has never been put to a citywide referendum because there is doubt it would be approved.

33

I generally support the intent and land use designations as depicted in the existing but not implemented Moreno Valley Highlands Specific Plan. To me they are imminently preferable over the World Logistics Center. Although development as envisioned by that plan has not occurred, an improving economy seems to have increased interest in residential uses, especially "rural estate" or similar type larger homes which could be available at bargain rates in Moreno Valley, with some proper marketing initiatives.

34

Sections 3.4.2 and 3.4.6.1 fail to adequately describe the distinctions between "high cube" and conventional truck dimensions. The revised EIR needs to explain the etymology of the appellation "high cube", especially as it applies to global logistics standards and patterns of efficient goods movement both in the field and in warehousing facilities. Why is it called "high", compared to what, people are asking.

35

Further, this expanded High Cube descriptive section needs considerable expansion and enhancement to compare dimensions, especially the height, the cargo weights both empty and full and the braking distances at various speeds between the High Cube tractor- trailers and smaller conventional trucks that still dominate the trucking business. The California Highway Patrol probably has some methodology to make the calculations. Current literature in trade magazines and other sources (such as WRCOG's studies) provide plenty of data and interpretation of the role of High Cube trucks and its safety, congestion and cargo-carrying consequences.

36

My point is that by leaving out this necessary safety data, the project proponents are again concealing vital information that could reveal further negative impacts that the public and first responders need to know the WLC will cause. I can't help but feel this descriptive data was a deliberate omission.

37

The Section 3.4.8, Architectural Guidelines, needs a list of some local examples of 60 and 80 ft warehouse building heights (approximately, of course) that can be viewed by interested parties onsite and in person so that their true visual impacts could be gauged. 80 feet (8 stories?) will be judged by many to be too tall. The Skechers building would be a prime example to list, as would the soon-to-be-vacated Fresh & Easy Warehouse off the 215 Freeway near Van Buren Blvd and also other warehouses in the southwest section of Moreno Valley.

38

Its noted in the Phasing Section 2.4.13 that full WLC build out of both phases is tentatively projected for 2022 while elsewhere in the document I believe it states 2035. Please clarify.

39

Comments on Section 4.0 Environmental Impact Evaluation:

In the Aesthetics Section, 4.1, the developer has made a valiant effort as depicted in the many artist's renderings to shield and screen warehouses and truck parking areas from nearby residential properties by means of landscaping and robust earthen berms. Viewsheds from various developer-selected locations on the project perimeter are detailed and well evaluated but they still lack a vital component of the overall Aesthetics impacts of the WLC, as follows:

40

This section barely and inadequately addresses the very important issue of Community Gateway views, the aesthetic impressions that impact westbound motorists who may be seeing our city of Moreno Valley for the first time when they emerge from The Badlands. I'm afraid that a 41 million square foot sea of warehouse walls and rooftops will have leave an immediate and lasting negative impression on visitors and long-time residents alike. The EIR should include a section addressing the Community Gateway issue.

41

Most cities leaders and community groups such as Chambers of Commerce are very sensitive to how visitors view their community as seen from its entrances. Despite the dubious promises of improved employment, is a negative community visual image worth the costs of the project? I could cite several examples of where Moreno Valley has tried to improve its gateways (such as at Alessandro and Old 215) and where Corona, Temecula, Riverside and others have made vast scenic and often acclaimed gateway modifications and improvements. In my opinion, having a rather ugly and obtrusive World Logistics Center as our "Welcome to Moreno Valley" entry statement will put us near the bottom of the list, aesthetically, among Inland area cities. Such a view may be heavenly to a developer but not to the traveling public. I think we could do better. And our warehouses belong in the southwestern part of the city, not at a primary gateway.

42

Section 4.3, Air Quality, there appears to be no mention that the northeast portion of Moreno Valley constitutes a minor geographic basin, lobe or "pocket" as it is partially surrounded by hills that tend to capture air pollution as spread by prevailing west winds, 90% of the time. This is the area where much of the WLC would be sited and where the vast majority of incoming and outgoing truck traffic would be travelling and emitting pollutants. Such pockets will collect and concentrate a substantially higher level of pollutants and allow them to persist for longer periods than flatter lands.

43

Were any air quality monitoring devices placed at the intersection of the 60 Freeway and Theodore, for example, over 9 months or so, providing a representative sampling of existing air quality at the WLC project site? If not, accuracy of air quality readings and predictions falls off rapidly with the distance from the WLC, despite modeling protocols. The nearest monitoring station is near Downtown Riverside, 15 miles west of the project site.

44

I note that Figure 4.3.8, a map of "Change in Air Toxics, 1998 to 2005" in the South Coast Air Basin indicates that the worst increases, more than 250% over those 7 years, is air pollution occurring near the Ports of Los Angeles and Long Beach. The WLC is envisioned by its promoters as a dependent sub-concentration of cargo traffic closely dependent those ports and therefore its connecting routes would tend to drag this area of increasing pollution in the direction of Moreno Valley.

45

Still in the Air Quality section, it is also curious why the EIR mentioned Dr Enstrom's discredited, truck-industry financed study that declared the subset of career truck drivers as actually having healthier lungs than the general population. The study seeks to minimize the health effects of diesel particulates. Sounds like those "smoking is good for you" declarations by the tobacco industry in the 1950s! It almost makes us want to move next door to the World Logistics Center to improve our overall health.

46

Its noted that the developer and environmental consultant interpreted air quality modeling and Air District regulations to arrive at a trip rate for the WLC of 1.68 trips per thousand square feet of warehouse space, described as a conservative basis for consequent complicated air quality calculations applicable to the WLC at full build out.

47

Nevertheless, several statements in the Air Quality analysis reveal that the overall project in both construction and operational phases will exceed most air quality standards and impede overall regional clean air attainment plans, thus leading to reversed progress in improved air quality both locally and regionally. This situation is unacceptable to the people of Moreno Valley and the Inland Counties. This is a primary reason why we oppose the World Logistics Center project.

48

Yikes! Compelling Figure 4.3.10 and other illustrations show the modeled Cancer Risks as particularly hazardous along the 60 Freeway corridor and especially around the WLC site. Compared with the No Project alternative or the Moreno Valley Highlands Specific Plan, these figures demonstrate the likelihood of a great increase in air toxics, bringing Eastern Moreno Valley into the same category as the current (2012) ground zero of pollution near the Ontario Airport. It also appears that, even with mitigation, the Old Moreno neighborhood will suffer more than double the amount of life-threatening pollution as compared to the WLC not being built.

49

The Soils and Geology Section, 4.6, I note that the EIR seems to adequately deal with the potential effect of earth-movement faults within or near the project site. State regulations will be observed and all building codes related to tilt-up concrete construction will be enforced as development occurs. There will be further geologic investigation as necessary for particular building parcels adjacent to the active San Jacinto Fault.

50

I might point out that my own calculations regarding a serious earthquake impacting Moreno Valley suggest the San Jacinto fault has a greater than 50% chance of creating a 7.0 earthquake over the next 30 years. Subsequently, I have purchased full quake

51

coverage for my home in Moreno Valley, located about 4 miles from the fault. Most geologists agree that in general, this area is "long overdue" for a serious seismic event. This insurance would pay for full replacement value in case my home is red-tagged and could not be occupied due to damage that a 7.0 shaker might produce. Will the buildings and occupants of the WLC be ready in case of such an earthquake?

51

In Section 4.10, regarding transit service, it is fair or correct for the developer to refer to Riverside Transit Agency's Route 35 as having a potential to directly serve the World Logistics Center? It would take more than mere rerouting. Route 35 has a limited schedule, makes very few stops and currently uses smaller rolling stock than the standard 40-passenger bus. The developer or other agency should recognize that the WLC would be a significant generator of new bus demand, even if the rosy employment projections are scaled back. I recommend the City stay in touch with RTA planners.

52

The developer or the City should eventually approach RTA to determine if a new or revised route could more effectively serve a built out WLC. Since warehouse staffing tends to be two or even three shifts, employing mostly part-time, labor-contractor personnel, a more robust RTA service will eventually be necessary. Low-paid workers tend to use transit more, recent studies indicate.

53

In the Noise Section, 4.12, under Long-Term Traffic Noise Impacts, it states that there would be about 50 more peak hour trips added due to the project, evidently including both truck and employee traffic. With truck traffic, and the nature of the business of shipping, this amount of trips would likely continue for most of the 24-hr day, making truck noise near the project and indeed all along the 60 Freeway corridor a serious nuisance that most nearby residences will find objectionable.

54

Some of the noise modeling charts for the built out project also suggest negligible increases in noise due to the project but I personally find that hard to accept and would be more worried about the constant and continuing din of additional truck traffic on the 60 Freeway. However, later on, text explanations describe significant future noise impacts near the project.

55

One isolated location in the text, Placentia Ave near Evans Rd is actually way, way south of the site in the middle of the City of Perris and is sheltered by Lake Perris' mountains from the WLC. I wonder how this paragraph got into the study? A proofreading error, perhaps, when some other project's text was copied and pasted into the WLC noise materials? This location is quite far from the project. Indeed, there are several other locations in the text, such as Day St between Cottonwood and Alessandro that seem out of place in the text and I believe instinctively that they would not suffer a "significant and unavoidable" impact. I'm no noise modeling expert but some parts of this study seem very out of place or not well thought out as applicable to the WLC.

56

Further, I didn't spot a handy area map in the Noise Section depicting the location of all these noise monitoring stations so that they could be studied logically. Therefore a map is needed, and probably a reality-check review of the Noise Section. 57

Table 4.13.F for Employment estimates is in my opinion, overly optimistic about the number of eventual jobs generated by the WLC project. The Skechers operation, for example, has not proved to be the employment dynamo its promoters promised the community. A person familiar with the Skechers operation told me just last week that only 160 people work there compared to the 2,000 that was originally predicted by the developer. Even the City scaled down the estimates over the months of construction from 2,000 down to 500 and even that amount has not come forth. The track record of jobs prediction for WLC-related warehouses has not turned out as promised. It's a wholesale misleading of the public to continue throwing out these job numbers to misguide the public into approving the project. 58

I also contend that the projected annual wages for warehouse workers at the WLC are highly inflated and need to be revised to reflect real conditions. An independent survey (not overseen by employers) is needed to determine the actual take home pay occurring at Skechers. Besides, global logistics patterns will be changing in years ahead, reducing business interest in the WLC and its ill-conceived location, further lowering employment and salary expectations. 59

My review of the Traffic and Circulation Section 4.15 indicates a total of about 71,000 trips per day as a result of the built out World Logistics Center. Unfortunately I was not able to fully review this section. Parsons & Brinckerhoff have done their usual thorough job on the traffic analysis, a very complicated part of the EIR. Although I don't have anything further to add until I study the materials further, I note several key points such as 80% of the vehicle trips to warehouses are via employee vehicles, not trucks. 60

However, I instinctively fear that the built-out project will have a tremendous and negative traffic impact on the City of Moreno Valley that is difficult even for the experts to predict through the modeling. All aspects of heavy and continual truck traffic will bring more noise, pollution, loss of levels of service, road damage, congestion and accidents to our community and on these grounds alone, the WLC is demonstrated to be a detriment to the City despite the dubious job growth predictions. The traffic analysis seems to back up many of opponents' fears as the EIR's claims of significant impacts being unavoidable and that impacts will remain despite mitigation measures. 61

In the Traffic mitigation measures portion of 4.15, the extensive list of road projects alone needed to improve capacity, signalization, and other circulation infrastructure improvements will place a staggering financial burden on the general public, despite any contributions by the developer or eventual occupants. I'm astounded at the millions of dollars these projects will take from tax revenues and other sources. This money could be better spent on other needs, first. The existing Moreno Valley 62

Highlands Specific Plan, if instead implemented over time, would reduce the need for the WLC's level of improvements and save millions of tax dollars.

62

The negative effects on the already-stressed Freeway 60 "Mainline" are extremely challenging to existing and future traffic patterns and community comfort levels as described in the Traffic Study. In fact, impacts to the uphill portion of 215-60 near the Central Ave. interchange, for example, are so bad as to be unavoidable and without any means of significant mitigation. There's no room left to widen the freeway, the study states without threatening existing homes and businesses. This assessment of "unavoidable impacts to the Mainline" is repeated dozens of times throughout the freeway system in the Inland Counties, according to the EIR text. The WLC-based additional traffic, 71,000 trips more per day, will basically ruin and totally gum up what little mobility we have now on those routes. The 60 is maxed out, ladies and gentlemen!

63

Ironically, such congestion would also negatively impede WLC-bound truck traffic, making the WLC less accessible, becoming a stuck-in-gridlock waste of travel time, and less attractive as a warehouse staging and storage area, as seen in competition with other warehouse centers such as in Victorville and Palmdale along more freely-flowing Interstate routes.

64

Further, the study mentions that Caltrans plans to add a truck lane through The Badlands but I have my doubts as to when, if ever, this improvement becomes operational.

65

Finally, in Section 5.0, Other CEQA Topics, a huge list of unavoidable environmental bad stuff welcomes us to this part of the discussion. How discouraging to read this list and wonder how it would negatively erode the quality of life in Moreno Valley, despite the promise of 24,000 jobs.

66

This concludes my comments on the Draft EIR for the World Logistics Center. Good luck ladies and gentlemen in incorporating the EIR into the complicated debate on whether or not to approve this project.

67

Thank you.

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RESPONSES TO LETTER G-51

Michael McCoy

Response to Comment G-51-1. The comment does not apply to the Environmental Impact Report (EIR) analysis or conclusions, but are personal observations about the project and project review process and political statements.

Response to Comment G-51-2. The commenter wonders what decision path the City will take regarding this project. It does not contain a comment on the EIR or California Environmental Quality Act (CEQA) process.

Response to Comment G-51-3. The comment does not apply to the EIR analysis or conclusions, but are personal observations about the project and project review process. The Draft Environmental Impact Report (DEIR) concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

The commenter also questions the job predictions for the project because of the Skechers project. The Skechers facility has been used as a negative model in evaluations of the WLC project, with commenters assuming job estimates from future development within the World Logistics Center Specific Plan (WLCSP) would be much lower and existing employees would be transferred from other areas. Several points must be made in this regard. First, the job estimates widely touted for the Skechers facility were actually estimates for the entire Highland Fairview Corporate Park, of which Skechers is only a part. Second, it is true the Skechers facility was an existing warehouse complex that transferred from the Ontario area, but future warehouses within the WLC project will be of many different types, including new warehouses, rather than simply transfers from other areas. Third, the Skechers facility opened just before a major downturn in the local and national economy, so even now it is not operating at full capacity or employment. Fourth, the Skechers facility is highly automated, but the degree of automation in future warehouses within the WLC project would likely vary (e.g., more automated warehouses may have fewer but higher skilled workers, while less automated warehouses may have more lower skilled workers). Finally, the number of part-time to full-time workers, as well as the degree of skilled workers, each warehouse employs will vary. The employment assumptions used on the David Taussig & Associates (DTA) study, both the original study and the revised study, were based on industry standard regional values which have been proven to be reliable over the years in estimating future employment from new uses such as logistics warehousing.

Response to Comment G-51-4. The commenter is correct that predicting the number jobs that the project will generate in the future is speculative, but the California Environmental Quality Act (CEQA) requires the projects' environment impacts be evaluated based upon the best available information at the time of the EIR preparation. An estimate of the number of jobs is needed in connection with several topical items including the fiscal evaluation of the project. Accordingly, the EIR has utilized several recognized sources for estimates on the number of jobs that the project will generate. It is the best currently available information.

Response to Comment G-51-5. Contrary to the inference of the commenter, the WLC project is not highly dependent on port-related traffic, rather it is the goods movement in the Southern California/Western United State (US) region that generates the need for warehousing. No more than 7% of WLC truck trips are projected to be port-related trips between initial operation and 2035 (see Section 12.F of Traffic Impact Analysis), and only a small percentage of that traffic would be impacted

by improvements to other national and international ports. The need for warehousing close to the demand (i.e. the Southern California Association of Governments (SCAG) region) will keep WLC competitive over locations in the desert areas. In addition, SCAG's June 2010 report, Industrial Space in Southern California

(<http://www.valleyconnect.com/~valleyco/images/stories/Library/reports/IndustrialSpaceInSouthernCalifornia.pdf>), estimates that by 2035 there will be a shortage of 228 million square feet of warehouse space in Southern California. As Southern California's population and economy continue to grow, there will be increasing demand for goods movement and logistics services. As a result, expected growth and the best available studies indicate there will be strong demand for warehousing in Southern California in general, and the Inland Empire in particular, well into the future.

The Traffic Impact Analysis discusses the viability of using rail for the WLC project and concludes that in addition to a number of physical constraints, rail is not economically viable at distances less than 500 miles (see Section 4.F). This precludes use of rail not only for WLC but also warehouse complexes in the Southern California desert areas. Air service for goods movement has long proven to be a prohibitively-expensive option except for highly specialized products. The WLC offers as much interstate access as most cities with its convenient proximity to SR 60, I-10, I-215, and I-15.

Response to Comment G-51-6. The commenter believes the public needs more opportunities for input on the project. The residents of the City were encouraged to participate in a public scoping session hosted by the City on March 12, 2013. Comments were solicited from the public and from public agencies during the 30-day notice of preparation (NOP) period and during the 63-day public comment period on the Draft EIR, and comments have been accepted long past established review period for the DEIR ended (April 4, 2013). The entire DEIR and all technical studies have been on the City's website since issuance of the DEIR on February 4, 2013. In addition, public comments will be allowed at several public hearings for the project (before both the Planning Commission and City Council) prior to a decision on the project. In these ways, City residents have been, and will be, afforded ample opportunity to comment on the proposed WLC project.

Response to Comment G-51-7. The commenter expressed concern about air pollutant emissions, alternative fuels, the Panama Canal, and the absence of a project-specific Site Plan to review. As presented in numerous places in the DEIR, the WLC project and the EIR are programmatic in nature, meaning that the WLC Specific Plan and this EIR address the overall project issues rather than building-specific issues. Additional CEQA review will be required when site-specific future development proposals are submitted for City review. Section 4.3 of the DEIR, its supporting technical study, the revised technical air study (FEIR Volume 2 Appendix D-1), and the revised DEIR section (FEIR Volume 2) all provide very detailed information on air pollutant estimates at various distances from the project site, including adjacent to the project site and along the major freeways that will serve the project. Section 3.4.6.1 of the DEIR Project Description describe the alternative fueling station that will be located on the WLC site. While some of the trucks accessing the WLC project may use alternative fuels (e.g., liquefied natural gas, compressed natural gas, or electric), to make a worst case estimate of WLC air pollutant emissions, it was necessary to assume no widespread use of alternative fuels on the site. Finally, Response to Comment G-2-3 provides more information about the WLC project relative to the Panama Canal.

Response to Comment G-51-8. The commenter wants the list of significant impacts expanded. The list in Section 1.5 of the Executive Summary is based on the detailed analysis of potential impacts to 16 different environmental issues or categories (DEIR Sections 4.1 through 4.16). The specific items listed are based on the CEQA significance thresholds identified in the appropriate sections of the DEIR. Since this section is an executive summary, it provides a sufficient level of detail for a summary of impacts.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-51-9. The commenter compliments the DEIR on its summary of the project alternatives.

Response to Comment G-51-10. MM 4.2.6.1A has been modified to require the acquisition of an agricultural conservation easements.

Response to Comment G-51-11. Please refer to Responses to Comments F-8-94, F-8-95, and G-49-22.

Response to Comment G-51-12. The commenter believes more stringent mitigation for air quality impacts are needed. The commenter should note that the air quality and greenhouse gas emission technical study was revised based on the revised traffic study and the many comments on the DEIR regarding air pollution and public health risks from diesel truck exhaust. The commenter is encouraged to review the revised and additional mitigation measures regarding air pollution.

Response to Comment G-51-13. The commenter believes the project's air pollution impacts outweigh its jobs benefits. The City Council will consider the information in the DEIR and its technical studies, both the original and revised versions, as well as all comments and responses to written comments before making a decision on the project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts, including air pollutants and health risks.

Response to Comment G-51-14. As presented in the Soils Report, (Leighton 2013), no structures for human occupancy will be located over active faults or within the State Alquist Priolo (AP) Zone, unless structural setbacks are established from active faults identified within the AP Zone. The setbacks will be based on fault trenching performed in accordance with State and County guidelines.

Response to Comment G-51-15. The commenter's April 7, 2013 email questions the jobs/housing balance ratio in the City. While it is likely that some of the jobs may be filled by City residents who possess the skills and/or education required, 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 over a period of time. The impact of the project on the jobs/housing balance in both the City and throughout the Inland Empire cannot help but be improved by the potential 20,000 jobs to be generated by the WLC, especially because the project itself contains no residential development within a City that has one of the lowest jobs/housing balances in all of the Inland Empire. In fact, both the City and the Inland Empire have a surplus of homes versus jobs, which causes residents to drive to Los Angeles (LA) and Orange County for work, leading to traffic congestion, less family time and an overall lower quality of life. As noted in Section 4(III) of the DEIR, the City's Jobs-Housing Balance is currently 0.47, which is one of the lowest of any City in the Inland Empire. Riverside County as a whole only has a Jobs-Housing Balance of 0.74. As the norm throughout Southern California ranges between 1.0 and 1.29 jobs per household according to SCAG's landmark 2001 study *"The New Economy and the Jobs/Housing Balance in Southern California,"* both the City and the County are badly in need of jobs. As a result, the average commute distance for a Riverside County resident of 21.6 miles according to the study was higher than any other County in Southern California. Improving the jobs/housing balance is one of the many attributes of the WLC.

Response to Comment G-51-16. The commenter says the project will conflict with many nearby residential neighborhoods. Sections 4.1, *Aesthetics*, and 4.10, *Land Use and Planning*, both evaluate potential impacts of the WLC project on neighboring land uses, including the neighborhoods mentioned by the commenter, although they are not mentioned by name. The conclusion of significant land use impacts was actually based on impacts to onsite rural residences and not surrounding neighborhoods. The City Council will consider all comments and responses to written comments before making a decision on the project.

Response to Comment G-51-17. The commenter expresses concern about impacts to the Old Moreno neighborhood just west of the project site. Each of the environmental analysis sections of the DEIR (4.1 through 4.16) evaluates potential impacts of the WLC on the adjacent residential neighborhood to the west (i.e., Old Moreno) where appropriate (e.g., aesthetics, traffic, noise, air quality, etc.). The commenter does not indicate what mitigation he believes is inadequate, but he is encouraged to read the air quality and greenhouse gas emission technical study which was revised based on the revised traffic study and the many comments on the DEIR regarding air pollution and public health risks from diesel truck exhaust, including impacts on the adjacent residences. The commenter is encouraged to review the revised and additional mitigation measures regarding air pollution.

Response to Comment G-51-18. The commenter believes the project site should support rural residences. Note that Section 6.2.1 of the DEIR explains why planning the area for rural residences was not considered in detail in the DEIR. This type of housing usually does not generate sufficient property taxes to support the level of municipal services needed and expected in upscale communities unless the housing prices are very high (e.g., Marin County, South Pasadena, Malibu, etc.), and housing prices in the eastern end of Moreno Valley would not be expected to be high enough to exceed service costs. The City Council will consider all comments prior to deciding whether to approve the project.

Response to Comment G-51-19. The commenter states an opinion that the section on traffic impacts seems to "hope and pray" that other agencies will employ measures to mitigate the traffic impacts. He claims that the DEIR retreats to a "significant and unavoidable" position and fails to draw any nexus between the project traffic and the need to widen freeways, interchanges, or the expense of truck climbing lanes through the Badlands. The commenter also states there is no guarantee that these upgrades will be built in time for the full occupancy of the WLC.

The City has no authority to compel Caltrans or other jurisdictions to implement changes to facilities under their control. By pledging to work with Caltrans and other jurisdictions to establish funding mechanisms the City is going as far as its legal authority allows. The Traffic Impact Assessment (TIA) fully discloses this organizational framework and correctly identifies traffic impacts and the improvements needed to mitigate those impacts (Chapter 11, Sections E and F). However, mitigation to facilities outside of the City's jurisdiction have been characterized as "significant and unavoidable" because mitigation cannot be guaranteed by the City. See TIA Chapter 11, Sections E and F.

Response to Comment G-51-20. The commenter was glad the old windrow along Redlands Blvd. was going to be preserved. However, the commenter should note that MM 4.1.6.1A only requires temporary preservation of the windrow... *"the existing olive trees shall remain in place as long as practical to help screen views of the project site."* The photo renderings of views along Redlands Blvd. indicate only the tops of some warehouse buildings will eventually be visible with the combination of berms, walls, and mature growth of the planned landscaping. To clarify this condition, the measure will be reworded slightly to emphasize that keeping the olive trees in place will only be temporary.

4.1.6.1A ~~Prior to the issuance of any discretionary permit for development along the western boundary of the WLCSP, a minimum 250-foot setback shall be verified from closest residential property line along Redlands Boulevard, Bay Avenue, and Merwin Street to any truck access area of the WLC project. 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, planted and walls and landscaping sufficient to provide~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

effective—visual screening between the new development and existing residential areas upon maturity of the landscaping materials. ~~Prior to development of the portion of the WLC Specific Plan property adjacent to Redlands Boulevard, the~~ 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 City Planning Official Division.

Response to Comment G-51-21. The commenter says more mitigation is needed for glare and “dark sky” impacts. The WLC project will comply with the City’s lighting ordinance that was recently revised to deal with the “dark sky” issue. Compliance with the ordinance and the lighting plan for the WLCSP will help reduce but not eliminate night lighting from new buildings at night and glare from new buildings during the day. These impacts were examined in detail in Section 4.1.6.4, *Aesthetics – Light and Glare Impacts*, in the DEIR.

Response to Comment G-51-22. The commenter is concerned construction impacts will be greater than anticipated when contractors break posted rules, speed limits, and laws. The DEIR process relies on project activities complying with established local, state, and federal laws and regulations as enforced by appropriate agencies. If they do not, they are subject to a variety of penalties including fines and withholding of subsequent permits. It is overly speculative and beyond the scope of a CEQA document to assume contractors will break established rules and laws.

Response to Comment G-51-23. The comment does not raise an issue regarding the DEIR and no comment is required. The City will consider all comments in connection with its deliberations on the project. Mitigation Measures are incorporated as Conditions of Approval as applicable to project entitlement approvals and are implemented by the City of Moreno Valley.

Response to Comment G-51-24. The commenter is glad the project will contribute an historical marker relative to San Juan Bautista.

Response to Comment G-51-25. The traffic study has been revised, and Sycamore Canyon will not have a significant noise impact.

Response to Comment G-51-26. The traffic study is comprehensive in the roadway links examined. All of the potentially impacted areas are identified in the noise assessment.

Response to Comment G-51-27. The reduction of truck traffic speed limits along the 60 Freeway is not considered feasible because the speed limits posted along freeways are Caltrans responsibility, and therefore, analysis of this effect is not warranted.

Response to Comments G-51-28. The commenter states the opinion that the reduced Transportation Uniform Mitigation Fee (TUMF) and Development Impact Fee (DIF) fees for warehouses are unfair. The comment further states that the City Council pressured Western Riverside Council of Governments (WRCOG) into adopting the reduced fee as a market selling point, and states that the commenter has seen other reductions in ads for competing logistics complexes in Adelanto and Victorville. While the comment acknowledges that some relief from local fees is common for warehouses nationally, in the commenter’s opinion this reduction is excessive and unfair. It is also the commenter’s opinion that the reduced fee does not consider the greater impact that trucks have on roads compared to cars.

In California impact fees are required to meet the “rough proportionality” test in the Mitigation Fee Act. This requires that fees be roughly proportional to the impact of the development. Surveys show that high-cube warehouses generate far fewer trips per square foot of floor space than other types of industrial development, as can be seen from these daily trip-generation rates from the Institute of Transportation Engineers:

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

• General Light Industrial	6.97 vehicle-trips per thousand square feet per day
• Industrial Park	6.83
• Manufacturing	3.82
• Conventional Warehousing	3.56
• High-Cube Warehousing	1.68

The City's adoption of lower TUMF and DIF rates for high-cube warehouses compared with other industrial developments within its jurisdiction properly reflects the requirement for the fee to be roughly proportional to the expected impact.

As the commenter acknowledges, jurisdictions sometimes reduce local fees for policy purposes as well. For example in 2009, 10 of the 16 TUMF jurisdictions chose to enact a temporary 50% reduction in TUMF fees on developments within their jurisdiction, with the agency taking responsibility for paying the other 50%. This was done to spur economic activity in the midst of a recession. This type of incentive is considered a legitimate policy option. As acknowledged by the commenter, there is competition among cities to attract the logistics and distribution industries and Moreno Valley's competitors are offering this type of incentive to attract businesses to their cities.

Response to Comments G-51-29. Please refer to response G-51-28.

Response to Comment G-51-30. The commenter is concerned all the traffic improvements identified in cooperation with other agencies will not be carried out. The timing and schedule of the traffic improvements that are outside of the City's jurisdiction (i.e., State and extra-territorial transportation facilities) are not in the City's control. The EIR appropriately states that the impacts necessitating the need for the improvements would remain significant and unavoidable. However, the EIR includes MM 4.15.7.F requiring that the City participate in a multi-jurisdictional effort with Caltrans and adjacent cities to develop a study to identify fair-share contribution funding sources to supplement other regional and State funding sources necessary to implement the State facility and extra-territorial improvements identified in the EIR. The EIR also includes MM 4.15.7.G requiring that the City coordinate with WRCOG with the goal of shifting TUMF funding priorities so they align with the improvements identified by the City and in the proposed project's TIA and EIR. Lastly, the EIR includes MM 4.15.7.H requiring that the City work with the WLCSP development and other jurisdictions to coordinate the funding and installation of intersection and roadway improvements outside of the City's jurisdiction. With these MMs, the City has established a process that will provide the necessary first step towards the eventual multi-jurisdictional coordination needed to implement the traffic improvements that are outside of the City's jurisdiction. Even with such coordination, it is appropriate for the City to consider impacts to these State and extra-territorial transportation facilities significant and unavoidable.

In addition, it would be disingenuous to suggest with a reasonable amount of certainty that the City and/or the proposed project implement the roadway improvements outside of the City's jurisdiction because the necessary first steps of creating a multi-jurisdictional coordination with Caltrans and adjacent cities has not been taken. Such a hypothetical mitigation measure would lack the ability to be implemented and would therefore be considered a infeasible. For this reason, the EIR appropriately states that the impacts necessitating the need for the improvements outside of the City's jurisdiction (i.e., State and extra-territorial transportation facilities) would remain significant and unavoidable.

Response to Comment G-51-31. The commenter believes a programmatic EIR is appropriate for this project but the City has not allocated enough time for public review and discussion regarding this project. The commenter is referred to Response to Comment G-51-6 for a description of the

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

opportunities the public has had and will have to comment on the WLC project before a decision is made by the City Council.

Response to Comment G-51-32. The commenter says Table 2.B is adequate for discussion purposes.

Response to Comment G-51-33. The commenter does not accept the Rancho Belago designation for east Moreno Valley. The City has accepted that designation to generally refer to the vacant lands within the City east of Redlands Blvd. and south of the SR-60 Freeway.

Response to Comment G-51-34. The commenter believes the Moreno Highlands Specific Plan (MHSP) has the most appropriate land uses for the project area. The MHSP was evaluated as the No Project – Existing General Plan Alternative to the WLC project in Section 6.3.4 in the DEIR. That section explains why the MHSP is no longer the “best” land use for the project property based on current economic and employment conditions. The City Council will consider all comments before it decides whether to approve the project.

Response to Comment G-51-35. The commenter says the DEIR does not adequately define high cube and logistics warehousing. The term “high-cube” is in reference to the proposed warehouse buildings and the storage of manufactured goods. It is not related in any way to vehicle heights or weights and consequently does not create any increased safety hazard for trucks traveling the roadways. Such vehicle regulations are established and enforced by the state.

The term “high-cube warehouse” is defined in the Specific Plan as follows:

***“High-cube warehouse** – A building used for the storage and/or consolidation of manufactured goods prior to distribution to secondary retail outlets, generally 500,000 square feet or more, often divided for multiple tenants. High-cube warehouse and logistics facilities include ancillary office and maintenance space along with the outdoor storage trucks, trailers, and shipping containers.*

“High-cube logistics warehouses are generally constructed with vertical-lift dock-high roll up doors to allow access for the loading and unloading of products from truck/trailers. Building interiors are typically large and open to accommodate the temporary storage and consolidation of the products to be distributed.”

The definition used in the Specific Plan is consistent with the generally accepted definition. See the ITE Trip Generation Manual volume 2, page 266 (9th ed. 2012). Also see the definition in the WLCSP at section 13.2. Section 3.4.6.1 of the DEIR and Section 13.2 of the WLCSP define high cube or logistics warehousing as following:

High Cube-Logistics Development (LD). The WLC Specific Plan project proposes to develop approximately 2,610 acres with up to 40.4 million square feet of high cube logistics warehouse space. This represents approximately 99.5 percent of the total building area of the WLC Specific Plan project. Land uses allowed under this classification include high cube logistics warehouse buildings of 500,000 square feet or greater. High cube logistics warehouses are characterized by a high level of automated material handling systems and typical truck activities outside of the peak hour. High cube logistics warehouses are generally used for the storage of manufactured goods prior to their distribution to retail outlets (see Section 4.15 and Appendix J of this EIR). Warehouses permitted in the LD portion of the WLC would be no smaller than 500,000 square feet, with a maximum height of 80 feet. The Specific Plan prohibits buildings over 60 feet in height along the western, northern, and southern boundaries of the site (see Figure 3.9).

Warehousing and logistics activities consistent with the storage and processing of manufactured goods and materials prior to their distribution to other facilities and retail outlets will be permitted throughout the Specific Plan. Ancillary office and maintenance space is included along with the outdoor storage of trucks, trailers, and shipping containers. LD land uses provide a location for businesses to sort, organize, and transfer products from one shipping process to another.

By comparison, the nearby City of Perris adopted the following definition of “high cube warehousing” and added it to their municipal code in 2009 ...

“High-cube Warehousing” means warehouses and distribution centers with a minimum gross floor area of 200,000 square feet, a minimum ceiling height of 24 feet, and a minimum dock high door loading ratio of 1 door per 10,000 square feet. High-cube warehouses are characterized by a small employment count due to a high level of automation. High-cube warehouses shall not be used for manufacturing or labor-intensive purposes, nor exceed the ratio of 25 employees per acre.”

It is unclear what effect or impact the definition of these uses will have on the analysis or conclusions of the DEIR, given that traffic is one of the major issues relative to these uses and the Institute of Transportation Engineers (ITE) has clearly defined these types of uses in the 9th edition of its Trip Generation Manual (2012). The term “high” merely refers to the raised ceiling height which allows for higher stacking of products that can be accessed by robotic machinery.

Response to Comment G-51-36. The commenter believes that more information about high cube warehouse characteristics is needed because the trucks that utilize them are in some ways different than standard warehousing, and those changes would influence the traffic study. The project traffic impact assessment (TIA) used ITE and other trip generation data specifically for high cube or logistics warehouses, and the air quality study used the latest information from the California Air Resources Board (CARB) on vehicle fleet age and mix for its calculations. It must also be remembered the EIR for the WLC project is a programmatic document, and no detailed information is available as yet on specific building sizes or locations, or actual occupants that might locate to this area or the kind of vehicle fleet they might operate. In addition, future development within the WLCSP will be required to provide subsequent traffic studies and CEQA compliance documentation, consistent with this EIR and the TIA for the overall WLC project (DEIR Appendix L-1). Therefore, information the commenter requests is beyond the scope of this EIR and not necessary for the programmatic analysis of traffic and related impacts from the WLC project. See also Response to Comment G-51-35.

Response to Comment G-51-37. The commenter believes the “high cube” data he requested in Comments G-51-35 and -36 is being deliberately withheld from public review. As outlined in the Response to Comment G-51-36, this is a programmatic EIR and details about specific buildings, land uses, occupants, or truck fleet mix are simply not known at this time based on the level of information in the WLC Specific Plan. See Response to Comment G-51-35.

Response to Comment G-51-38. The Skechers facility is a good example to estimate the scale of 60- to 80-foot tall buildings. In general, the main body of the Skechers building where the truck dock doors occur is approximately 50 ft. in height. The main entry at the southeast corner of the building is approximately 55 ft. high, measured from the adjacent ground to the top of the utility screen on the roof, a good approximation of a 60 ft. high building. The glass façade on the northeast corner of the building is approximately 66 ft. from the adjacent ground to the top of the glass wall. Add 14 feet height to visualize an 80 foot-high building.

Response to Comment G-51-39. The commenter says the EIR uses two different buildout numbers for the project. First, it should be noted the buildout of the WLC project has been extended from ten years as indicated in the DEIR to 15 years under the Final EIR. The traffic and air studies have been

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

revised as well to account for this modified buildout plan. The Final EIR now examines 2022 as the end of Phase 1 (2015 to 2022) and 2035 as the end of Phase 2 (i.e., project buildout). Year 2035 was used in the original DEIR as a second buildout horizon because the General Plan, along with its Circulation Element and City-wide traffic study, use 2035 as a City buildout figure. That buildout horizon has been maintained to keep continuity with the previous traffic analysis to the extent possible. There is no evidence to predict a faster buildout.

Response to Comment G-51-40. The commenter notes the many photographic renderings provided in the Draft EIR. The commenter should note that the captions on several renderings have been clarified, and several more renderings are being added to the revised DEIR to more fully illustrate potential views from areas surrounding the WLC site. These illustrations include one view toward Mt. Russell from SR-60 (traveling westbound on SR-60) and one additional view toward the Badlands and Mt. San Jacinto (traveling eastbound on SR-60). Please refer to FEIR Volume 2, Section 4.1 Aesthetics, Figures 4.1.5J and 4.1.5K).

Response to Comment G-51-41. The commenter believes the aesthetics analysis is deficient (“community gateway” views). The DEIR provided an analysis of views from many angles surrounding the WLC site in an attempt to accurately characterize the change in views that would occur as the WLC project developed in the future. In fact, the DEIR acknowledged that views would change to the degree that the visual impacts were significant. In response to many comments regarding views, MM 4.1.6.3A was modified (see below) to preserve the upper two thirds of the vertical view of Mt. Russell from SR-60, the main gateway into the Moreno Valley community. We believe these changes will address, at least to some degree, the commenter’s concerns about views and community gateways.

4.1.6.3A ~~Prior to the issuance of any discretionary permit for development under the WLCSP, the developer shall provide a site plan, landscaping plan, and visual rendering(s) consistent with the WLCSP that demonstrate changes in views of Mount Russell, the Badlands, and/or Mystic Lake for travelers along SR-60 or Gilman Springs Road, as appropriate. The renderings shall be sufficient to demonstrate typical views based on proposed site and landscaping plans, but the location and number of view presentations shall be at the discretion of the City Planning Division. These views shall be simulated from a height of six feet from the edge of the roadway travel lane closest to the visual resource.~~

4.1.6.3A Each Plot Plan application for development shall include plans and visual rendering(s) illustrating any changes in views of Mount Russell and/or the Badlands, for travelers along SR-60, as determined necessary by the Planning Official. The plans and renderings shall illustrate typical views based on proposed project plans, with the location and number of view presentations to be determined by the Planning Official. These views shall be simulated from a height of six feet from the edge of the roadway travel lane closest to the visual resource. The renderings must demonstrate that the development will preserve at least the upper two thirds (67%) of the vertical view of Mt. Russell from SR-60.

Response to Comment G-51-42. The commenter again talks about community gateway views and that the project should be in the southwest portion of the City instead. The discussion of gateway views, and especially the modified mitigation to address views, is provided in the Response to Comment G-51-41. It should be noted there are no sites remaining in the City’s Industrial Park area (i.e., southwest portion of the City) that can support a regional logistics project like WLC. The City Council will consider all comments before deciding whether to approve the project.

Response to Comment G-51-43. The commenter notes a geographic feature in the project area where pollutants could collect and persist for longer time periods than in flat terrain.

There are two important components that are part of the air quality and health risk assessments prepared for the project: terrain and the prevailing meteorological conditions. Finely resolved terrain data were obtained from the United States Geological Survey for the region extending from near Palm Springs to the ports of Los Angeles and Long Beach. These terrain data act to influence the amount of dispersion of air pollutants. Meteorological data act to influence both the direction of pollutant transport but also the rate of dispersion of the pollutants. The meteorological data used in the project air assessment was obtained from the SCAQMD and is considered representative of meteorological condition in the project area. Thus, the influences of both terrain and air transport and dispersion were included in the assessments.

Response to Comment G-51-44. The commenter inquires as to whether any air monitoring was done at the intersection of the 60 Freeway and Theodore Street.

The air monitoring data used to establish a background for the WLC site was derived from the Riverside Rubidoux and Magnolia air monitoring stations. The commenter is correct in that the Riverside monitoring stations are located about 15 miles from the project site. The use of the Riverside data to characterize the background air quality at the site should provide conservative estimates (in terms of higher pollutant levels) of background pollutant concentrations, than would be expected at the project site. This is because of the locations of the Riverside monitoring sites in a highly urbanized area with surrounding industrial sources and several major freeways compared with the project site, which is influenced by one main freeway.

Response to Comment G-51-45. The commenter notes the possible influence of emissions from the ports of Los Angeles and Long Beach dragging their pollution into the Moreno Valley.

Actually as discussed in Response to Comment E-2A-7, the project Traffic Impact Analysis analyzed project impacts on freeways to the ports. The air quality analysis included that freeway activity and found that only a small percentage of WLC truck traffic would be to and from the ports and very small estimates of cancer risk from these freeways leading to the ports.

Response to Comment G-51-46. The commenter disagrees with the inclusion of the Enstrom discussion on the health effects of diesel PM. See Response to Comment G-45-1.

Response to Comment G-51-47. The commenter notes that the traffic and air quality modeling used a trip generation rate of 1.68 vehicular trips per thousand square feet per day (VT/KSF/day), which is described as a conservative basis for the air quality calculations. The explanation why the rate was used was provided in the TIA report (Chapter 2, Section A).

Response to Comment G-51-48. The commenter is concerned about air quality and does not believe the benefits of the project outweigh its air quality impacts. Section 4.3 of the DEIR and the original and revised air quality technical studies, all evaluate the potential air pollution impacts of the WLC project in considerable detail. The EIR concluded that the WLC project would have significant air quality impacts that could not be mitigated to less than significant levels, even with the recommended mitigation, due to the size and nature of the WLC project. The City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Response to Comment G-51-49. The commenter notes that there will be increases in cancer risks resulting from the project.

Since the DEIR was published, there have been multiple updates in the area of air quality analysis. Recently, CARB published updated emissions factors for heavy-duty trucks based on actual testing,

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

which show that emissions are significantly lower than previously estimated. Also, in response to comments, mitigation measures were strengthened and added further lowering emissions. When these changes are taken together, there is no longer any health risk impact based on the latest research conducted by the Health Effects Institute and sponsored by USEPA and CARB which demonstrates that new technology diesel exhaust do not contribute to cancer (HEI study).⁴⁵ Through the mitigation measures adopted by the proposed project, traditional diesel engines are prohibited from the project, eliminating the health risk associated with diesel engines. More information is discussed in Master Response-1 and Master Response-2.

Response to Comment G-51-50. The commenter believes the analysis of geotechnical impacts is adequate.

Response to Comment G-51-51. Refer to DEIR Section 4.6. Moreno Valley, like much of Southern California is in an area of high seismic activity in which destructive earthquakes pose a threat to property and lives. Recent nearby studies of the Claremont segment of the San Jacinto fault zone have estimated the most recent ground rupture to have occurred in the early 1800s with an estimated magnitude of 6.8. This segment of the San Jacinto fault is estimated to have a rupture reoccurrence interval of about 160 to 210 years and therefore it is believed the next earthquake is theoretically overdue or could occur within the next 50 years.

Proposed buildings will be designed according to the latest assessments of earthquake ground motions and in accordance with California Building Code (CBC) and the American Society of Civil Engineers (ASCE) minimum design standards. Those assessments use a Probable Maximum Capable Earthquake scenario, such an earthquake event will only have a 2% probability of exceedance in a 50 year design life. Looking at this conversely, the structural design uses an assumption that the maximum capable earthquake will have a 98% chance of occurrence during the design life of a given structure. It should be noted that the seismic design of structures to resist the maximum capable earthquake is to prevent catastrophic collapse, and not intended to prevent structural damage.

Response to Comment G-51-52. The commenter believes Riverside Transit Agency (RTA) bus route 35 may not be appropriate to serve the project. The City will require future development to coordinate with RTA regarding bus stops and future service. At a point in time when expected ridership reaches appropriate levels RTA could reconfigure an existing bus route or add a new bus route to serve the WLC project. As provided in the WLC Specific Plan, all project streets will be designed to accommodate bus service at such time as determined by the RTA.

Response to Comment G-51-53. The commenter encourages the developer and the City to work together to plan bus service to the project. As indicated in Response to Comment G-51-52, at the appropriate time in the future when RTA believes there is sufficient ridership, it will make appropriate changes or additions to its bus routing to accommodate the WLC. As a result of this and other comments, the developer has agreed to contact RTA to discuss potential timing of additional service for the WLC area.

Response to Comment G-51-54. The 24-hour truck traffic, and indeed, all of the traffic generated by the project was addressed in the noise analysis. All roadways including freeways with any substantial project-generated traffic were assessed. The results are presented in Sections 2.3.1 and 2.3.2 of the technical noise assessment.

⁴⁵ "Advanced Collaborative Emissions Study" published by the Health Effects Institute (HEI) in 2015 (Research Report 184 final). The HEI consists of governmental and private industry representatives including 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

Response to Comment G-51-55. The comment is correct in that several roadway segments have been identified in the noise report as having significant noise impacts that cannot be mitigated (see Section 4.0 of the technical noise assessment). The potential traffic noise impact has been assessed in detail in the technical noise assessment. The City's development review process requires coordination with RTA regarding bus stops and related improvements, however there is no required mitigation requirements.

Response to Comment G-51-56. The commenter asks if several locations mentioned in the DEIR and noise assessment are from other reports. The commenter must remember that many locations distant from the WLC site were required to be evaluated in the project traffic impact assessment (TIA) due to a recent court case involving a nearby residential development in Riverside County ("Villages of Lakeview"). It is therefore possible that some remote locations "show up" in the EIR, and some intersections are shown to have significant traffic impacts because they are in another jurisdiction (like the City of Perris) and thus implementation of mitigation cannot be guaranteed by the lead agency.

The noise study is based on the traffic forecasts and there may be many reasons why project-generated traffic gets focused on roadways distant from the project. The traffic study has been revised since the original analysis. The new analysis does not show significant noise increases along the segments of Placentia Avenue and Day Street referenced in the comment.

Response to Comment G-51-57. The commenter asks for a map of noise monitoring stations in the DEIR. While preparing the EIR, it is always important to determine that level of detail from the related technical study must be included in the DEIR text (i.e., does it clarify the analysis?). In this case, the locations of the monitoring stations is shown graphically in the project noise assessment (DEIR Appendix K, Exhibit 5) and it was felt if someone wanted to see that detailed data they could easily find it in the noise assessment. In addition, there is no CEQA requirement to provide a "handy area map" as part of the noise study. The noise impacts are listed and are presented in alphabetical order, which should be adequate.

Response to Comment G-51-58. Please reference Response to Comment G-49-22.

Response to Comment G-51-59. Please refer to Responses to Comments F-11-37 and G-3-2.

Response to Comment G-51-60. The commenter was in general agreement with the traffic study but was not able to fully review it. Section 4.15 of the DEIR describes how the project traffic study was conducted, what assumptions were used including fleet mix and breakdown of trucks to passenger vehicles, consistent with industry standards for similar types of traffic studies for high cube/logistics warehousing facilities. This information was provided in the TIA report (Chapter 4, Section C)(FEIR Volume 2 Appendix L-1).

Response to Comment G-51-61. The commenter reiterates his concern about the job estimates and traffic impacts. The issue of jobs has already been addressed in the Response to Comment G-51-3. Section 4.15 of the DEIR examines the traffic-related impacts of the WLC project. The EIR concluded that traffic impacts of the project would be significant even with implementation of recommended mitigation, largely because many of the improvements that would be needed to achieve level of service standards are located in other jurisdictions (including Caltrans) and are not under the control of the lead agency. The City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-51-62. The commenter notes the large amount of circulation infrastructure needed for the project and states their opinion that this will place a staggering financial burden on the public despite any contributions made by the developer or eventual occupants. It is the commenter's opinion, the Moreno Highlands Specific Plan would reduce the need for improvements and save millions of tax dollars.

The commenter's opinion is acknowledged. As was described in Chapter 4, Section E of the TIA, several traffic studies were conducted for the Moreno Highlands Specific Plan before the plan was approved in 1992. The studies are available at the City of Moreno Valley Planning Department. The final traffic study, which served as the basis for approval of that plan, forecast a total of 178,608 average vehicle trips per day (ADT) being generated by the Specific Plan. That would be more than two-and-a-half times, or 256% as many trips as are forecast for the WLC (69,542 ADT), refer to Chapter 4, Section C, Table 23 (of revised TIA). The Moreno Highlands traffic studies did not distinguish between car and truck traffic and so did not provide a forecast in terms of PCEs. However, even if the Moreno Highlands Specific Plan were to generate no truck trips at all (only auto trips), it would still generate nearly twice as many PCEs trips as the WLC. So it is the commenter's opinion, the WLC would generate a larger need for circulation infrastructure than the Moreno Highlands Specific Plan is incorrect.

Response to Comment G-51-63. The commenter is concerned about traffic on SR-60. The original and revised traffic impact assessments (TIAs) for the WLC project both provided extensive discussion and analysis of potential impacts on SR-60 under various development scenarios (Existing plus project buildout in 2012, Year 2022 plus Phase 1, and Year 2035 plus project buildout). The commenter is correct that the EIR shows the SR-60 will continue to be congested as growth occurs in the City and surrounding areas. However, the project TIA does indicate that the WLC project will introduce a large amount of employment in an area that has long been planned for residential uses, which will help improve the City's jobs/housing ratio and actually help reduce regional congestion over the long-term compared to what would have occurred under the currently approved Moreno Highlands Specific Plan. While it is contrary to CEQA to base the determination of significant impacts on a "plan to plan" comparison such as this, the fact remains that regional congestion will be incrementally reduced over the long-term if the WLC project is approved.

Response to Comment G-51-64. The commenter believes project traffic will be stuck in freeway congestion. However, the project traffic study clearly shows that WLC traffic is distributed throughout the day and does not coincide with freeway congestion during typical peak hours of the day (refer to FEIR Volume 2 Appendix L). In that way this type of project will have less impact, and be less impacted by, freeway congestion during peak hours.

Response to Comment G-51-65. The commenter expresses doubts about when Caltrans will provide truck climbing lanes through the Badlands.

The 2012 Regional Transportation Plan (RTP) Federal Transportation Improvement Program (FTIP) (the list of projects for which funding is available in the short term) includes project RIV120201 which is the construction of new east- and west-bound truck climbing lanes on SR-60 from Gilman Springs Road to 1.6 miles west of Jack Rabbit Trail. The project should be complete within ten years.

Response to Comment G-51-66. The commenter is correct, Section 5.1 of the DEIR lists the significant impacts of the WLC project as identified in Sections 4.1 through 4.16 of the DEIR.

Response to Comment G-51-67. The commenter thanks the City for being able to review the EIR.

Letter G-52: Steve Jiannino (April 8, 2013)

Response to the DEIR for the World Logistics Center:

I am writing to state one of my comments to the DEIR for the proposed World Logistics Center project.

I am opposed to this project being developed on the East side of Moreno Valley. I feel a smaller version of this project around March Air Base area where there is access to additional transportation modes would be a better designed project. With the poor existing air quality in the Inland Empire a project of this size with high concentration of diesel trucks would be a large detriment to the entire region.

1

My comment regards section 6, alternatives

Under traffic you make the assumption that an 18 wheeler has the same traffic impact as an automobile. In terms of congestion on the streets, highways, freeway ramps and intersections, I would venture to say that is not the case at all. Under the section on alternative sites you also assume that the alternative sites will not have access to rail or air transportation facilities as the current site does. The southwest area of Moreno Valley around March Air Base has access to both and would therefore lessen daily trips. Noise and air impacts would also be different at an alternative site with access to additional modes of transportation i.e. rail and air.

2

Steve Jiannino

24701 Valley Ranch rd.

Moreno Valley, CA

4-8-13 (e-mail)

RESPONSES TO LETTER G-52

Steve Giannino

Response to Comment G-52-1. The commenter suggests a smaller logistics project near the March Air Reserve Base and is concerned about air pollutants from trucks. The alternatives analysis did look at less intense development (~20% square feet) but did not look at significantly smaller project sites in other locations, as that was not the proposed project and California Environmental Quality Act (CEQA) requires the analysis of alternative sites to be able to support the project as proposed to see if some other site, by its very nature, would result in less environmental impacts. The Environmental Impact Report (EIR) did not look at other locations for smaller projects in the southwestern portion of the City (i.e., the Moreno Valley Industrial Park) as there are no large sites left in that area (ProLogis Eucalyptus Business Park EIR, Section 6.3.9, *Alternatives to the Proposed Project – Alternative Sites*, February 2013). The revised Traffic Impact Assessment (TIA)(Parson Brinckerhoff December 2013)(Final Environmental Impact Report (FEIR) Volume 2 Appendix L-1 Section 4.F) had an extensive analysis of potential rail service to the World Logistics Center Specific Plan (WLCSP) site, and determined that it could not be provided in an economical or environmentally responsible manner (i.e., had more impacts than no rail). Some of that discussion would apply to any potential logistics site in Moreno Valley or surrounding areas that did have rail service. Even if rail service were available to an alternative site, logistics uses in the Southern California area do not necessarily benefit from rail service as the majority of trips are within the South Coast Basin, and rail service only becomes economically and physically viable for trips across the country or at least to the mid-west or further. An additional issue with rail discussed in the TIA is the over capacity state of the existing railroad lines.

Response to Comment G-52-2. The commenter says for the project alternatives that truck impacts would not be the same as cars, and alternative sites might be able to take advantage of rail service and might have less noise and air impacts if rail service was available. The Response to Comment G-52-1 explains why rail service, even to an alternative site, might not be economically viable for logistics warehousing within the Southern California region. If rail service is not viable, then it is doubtful there would be any traffic or air quality benefits from rail service if the project were built on another site in the same general area, whether it was in the City or Moreno Valley or some other nearby jurisdiction. The commenter is correct that trucks produce different traffic impacts than passenger vehicles, but CEQA does not require a detailed traffic study for each potential alternative to the proposed project, especially when the CEQA document is a programmatic EIR such as for the WLCSP project. The alternatives analysis did provide a trip generation comparison of the various alternatives to the proposed project. Table 6.G indicated trip generation for most of the alternatives was greater than the proposed project (Draft Environmental Impact Report (DEIR) Section 6.4). The less intense development alternative would generally have the same truck/passenger vehicle ratio as the proposed project, while the other alternatives (Moreno Highlands Specific Plan, two mixed use plans) would have a lower truck/passenger vehicle ratio. Even with these differences, the traffic analysis of alternatives does provide an order of magnitude comparison of the potential traffic impacts of the alternatives compared to the proposed project, which is what is required under CEQA.

Letter G-53: Deanna Reader and Kenny Bell (email) (April 8, 2013)

From: Late98765@aol.com [<mailto:Late98765@aol.com>]

Sent: Monday, April 08, 2013 5:18 PM

To: John Terell

Subject: Comments for World Logistics Center DEIR

To: John Terell and Mark Gross of the Moreno Valley Planning Department

Draft Environmental Impact Report comments for the World Logistics Center

I am opposed to this project because the economic benefits are seriously inflated and the negative impacts are understated. At first blush the Draft Environmental Impact Report seems to have covered everything but it really doesn't. There are alternatives and impacts that weren't explored.

1

The overly inflated economic projections are way too rosy and the employment projections are unreasonable. Warehouse automation is much like computer technology. Each successive generation is more efficient than the last. And in warehouse automation that means fewer and fewer jobs at technologically advanced fully automated warehouse. Those of us that went to the project hearings from this same developer know how many jobs we were promised. I was one of the only people that brought up the fact that a fully automated warehouse was not going to bring the employment numbers quoted. The quotes weren't even close. First 2500, then 1000 but City Official claim 500 to 600 depending on the day, and claim that is only because the facility isn't at capacity. The fact is the facility was designed for only 300 employees. The actual number of employees is less because the facility isn't at capacity because of the recession. The other reason sales are probably down is because of the \$40 million class action lawsuit against the company that lied to its customers. How does this City expect to foster a positive community environment if it doesn't disclose accurate employment numbers to its residents from past projects? (1) How does a community trust its leaders when they refuse to require an independently produced record of the true employment and salary figures of past projects? How can the residents expect the economic benefits touted from this project will be accurate if this developer was not forthcoming with its last project?

2

This developer's last project was estimated to contribute \$150 million of economic benefit to the City of Moreno Valley. The Mall, every warehouse and every business in the City along with property and sales taxes combined only amount to \$77 million in general fund dollars a year for the City of Moreno Valley. I have asked since this last project was built how that economic benefit figure was determined but have yet to get an answer. I have asked and the Mayor has agreed to provide current economic benefit data, but it hasn't been produced. The last figure the Financial Services Director gave was that the City was getting about \$200,000 in property taxes a year and that sales tax were essentially non-existent from the project. The difference between \$150,000,000 claimed and \$200,000 actually received is astronomical. How are this City's residents supposed to believe the economic benefits of this current project when the city won't give currently accurate data from the last project? Why would anyone believe the data from this project when it was produced by the same persons responsible for producing the inaccurate data from the last project?

3

The project is economically unfeasible because it does not include rail, or rather it doesn't include the cost of the rail needed to make any logistics hub location viable. The role of this project will be to accept trucks with loads originating from overseas thru the ports of Los Angeles and Long Beach. The trucks will come from the west fully loaded and go back to the harbor area empty. More trucks will come from the east to pick up the freight once sorted to deliver to eastern markets. Because trucks are either local (harbor to here and back) or long haul (here to eastern half of continent) there will be twice as many trucks to carry the same amount of cargo. Moreno Valley is surrounded by beautiful majestic mountains that trap pollution. There are calls for this freight to come from overseas in containers that are pre-sorted for the intended destination. The freight would then travel the continent to the east by rail. There is no plan by the state or any local public agency to bring freight rail to this facility. This alternative has not been addressed in the DEIR at all. To be economically viable a logistics hub must be serviced by rail. The location of this facility is not conducive to freight rail and it would be cost prohibitive. A flat area not surrounded by mountains would be a better and more cost effective alternative.

4

The Deir has not adequately addressed how the widening of the Panama Canal will affect the need for additional logistics when it opens next year. If the Panama Canal takes at least 25% of the overseas freight that comes from the ports on the west coast, how will that affect the need for this project?

5

Moreno Valley has been primarily a bedroom community. Most of its residents live in single family homes. The City's general plan was thoroughly vetted by all stake holders and approved in 2006. The general plan has a little of everything. Thousands of people moved into brand new houses in the early 2000's based on the promises of the general plan. This project will change the rural east end that is next to the San Jacinto Wildlife Preserve into a mega-warehouse or logistics hub. This is not a small insignificant change but a completely new general plan by way of a mega project. This area was supposed to have over 7000 single family houses as well as many other mixed use businesses. If this project were to go forward the amount of land available for single family homes would be seriously compromised. The only way to accommodate the number of new residents expected would be high density housing. If this project were to go forward this city's future would be warehouses and apartments. Thousands and thousands of people moved here because of the promise of a city life in a rural environment. How does this city expect to foster a positive environment if they remove the reason most people moved to this city?

6

The city produced and paid for an infomercial for this project over a year ago. This developer only plans to build high cube warehouses in this development and this past year the City reduced only the fee for high in half. No other city in California has cut the fee for high cube warehouses to half that of a traditional warehouse. The City Council has instituted a 20% reduction in the electricity bills for high cube warehouse (and medical uses which this particular developer says he intends to build). The City's Economic Development Action Plan states all the things the city is going to do for this project after it is approved. The mayor has stated (at a public meeting) that the city intends to offer assistance for the half a billion dollars that the infrastructure for this project will cost. How does this city intend to increase public participation when most residents think this a done deal and the city doesn't care what they have to say?

7

Sincerely,

Deanna Reeder & Kenny Bell
17351 Riva Ridge Drive
Moreno Valley CA 92555

RESPONSES TO LETTER G-53

Deanna Reader and Kenny Bell

Response to Comment G-53-1. The commenter believes the few benefits of the project will not outweigh its many impacts.

Response to Comment G-53-2. The commenter's April 8, 2013 letter questions the validity of employment projections for the World Logistics Center (WLC) because of the variance in projected employment figures for the Skechers warehouse when compared to current estimates. As explained under Response to Comment G-49, it is unclear at the present time what the total employment in the Skechers facility will be once it is fully built and the economy has totally recovered. Importantly, the Skechers project was not used as a basis for the employment projections made for the WLC project. Furthermore, the employment projections for the WLC are meant to reflect the average employment over the entire project, which will share a variety of types of logistics facilities. Therefore, the average employment figures are expected to be close to the projections stated in the Draft Environmental Impact Report (DEIR). Item 2 of G-90 provides more detailed information on the methodology utilized to determine the number of projected employees.

Response to Comment G-53-3. The commenter is confusing property tax revenues with economic benefit. Economic benefit is defined as overall economic output (i.e. total expenditures including sales or gross receipts, or other operating income) as a result of the project. For example, salaries earned by persons directly or indirectly employed as a result of a development project are considered to be part of an economic benefit projection, as are the dollar amounts of retail or wholesale sales generated directly or indirectly as a result of a project. But none of these revenues would be reflected in the amount of property taxes collected. A detailed analysis of the overall economic output to be generated by the project is included in Section 4 of the Fiscal and Economic Impact Study (Appendix O). A detailed analysis of the project tax revenues is provided separately in Section 3 of the Fiscal and Economic Impact Study (Appendix O), with results summarized in Table 3A. The methodology, sources of information and the model limitation have thoroughly been described in the Impact Study. The City Council will consider all comments on the project before making a decision on the project.

Response to Comment G-53-4. The provision of a rail service to the project site has been studied to determine if it is an alternative which will reduce the number of trucks driving between ports and the site, and therefore reduce the number of significant impacts (Please see Chapter 4, Section F of the revised Traffic Impact Assessment (TIA)). However, it has been determined that this alternative is not a viable option due to the following reasons. The WLC site is not currently served by rail and would need to be connected to an existing branch. All possible connections would cause impacts equal or greater than the projected truck traffic. It was also determined that for a rail service to be economical 50 percent of all shipments must be shipped 500 miles or greater on rail. Shipments to the WLC would only be travelling from the ports of Los Angeles and Long Beach, a distance of about 70 miles. Additionally, the existing rail system is already at or near maximum capacity. Therefore, shifting cargo from trucks on freeways to rail would transfer the congestion problem from stressed freeway systems to stressed rail networks. Finally, the port-related truck traffic to the WLC is projected to be between 2 and 7 percent of the total WLC truck traffic between now and 2035 (TIA). It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

National Association of Industrial and Office Properties (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 (<http://www.naiop.org/~media/Research/Research/Research%20Reports/Logistics%20Trends%20and%20Specific%20Industries/LogisticsTrendsandIndustries.ashx>). 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.

Furthermore, a study prepared by the Southern California Association of Governments ("SCAG") titled *"Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities."* supports the need for more warehousing space. The study's Executive Summary states the following (<http://www.valleyconnect.com/~valleyco/images/stories/Library//IndustrialSpaceInSouthernCalifornia.pdf>):

- "According to assumed growth rates, the region will run out of suitably zoned vacant land in about the year 2028. At that time, forecasts show that the demand for warehousing space will be approximately 1,023 million square feet (pg. ES-1).
- "During the year 2035, there will be a projected shortfall of space of about 228 million square feet, unless other land not currently zoned for warehousing becomes available" (pg. ES-2).

The WLC will contribute to the supply of warehouse space necessary to satisfy a portion of this demand. This SCAG Report supports other data presented in responses to DEIR comments that there will be more than sufficient demand to support the WLC (Comment Letter F-10-7).

Response to Comment G-53-5. 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 (<http://www.naiop.org/~media/Research//Research%20Reports/%20Trends%20and%20Specific%20Industries/.ashx>). 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 (<http://www.polb.com/civica/filebank/blobdload.asp?BlobID=2266>). Currently, the Panama Canal only receives 20% of Asian impacts 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. 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.

Response to Comment G-53-6. The commenter expresses a number of concerns and doubts about the project, including loss of planned housing and a rural lifestyle. The WLC project is proceeding through the General Plan Amendment and Specific Plan process to address the many concerns and issues that arise when a fundamental change to land use is proposed for an area, especially such a large piece of land adjacent to housing and the San Jacinto Wildlife Area (SJWA). It will be up to the City Council to determine if this project is in keeping with the overall plans for development in the City, and if its benefits outweigh the significant project impacts identified in the EIR. The City Council will consider all comments and responses on the project and EIR before taking action on the WLC project.

Response to Comment G-53-7. The commenter incorrectly states that City has only cut development impact fees for high cube warehouses. The City in fact has cut development fees across the board and was supported by a Nexus Study prepared by the City (<http://sirepub.moval.org/sirepub///i1aqtvbfebqn2lqt/244285912132013045943227.PDF>). It should also be noted Western

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Riverside Council of Governments (WRCOG) has reduced Transportation Uniform Mitigation Fee (TUMF) by at least 50% for high cube warehouse over 600,000 square feet ([http://www.wrcog.cog.ca.us// items/.original.pdf](http://www.wrcog.cog.ca.us//items/.original.pdf)). This reduction was in part was based on traffic characteristics of High-Cube Warehouses and is fully analyzed in the TUMF Nexus Study. The commenter correctly notes that the City has instituted a reduction electricity rates to promote economic development within the City. Any commitments to cost participation by the City would be identified in the project development agreement. The City Council will consider all comments in the project before making a decision on the project.

Letter G-54: Jose and Alicia Espinosa (email) (April 8, 2013)

From: jose espinoza [<mailto:azmedtrans@mac.com>]
Sent: Sunday, April 07, 2013 1:07 PM
To: Mark Gross
Subject: Comments for World Logistics

I oppose the World Logistics! These was not part of the General Plan when I moved and the employment hiring numbers are misleading. Trucking fumes are also a factor to my health and the health of our resident children. No to warehousing ! } 1

Sent from my iPhone

RESPONSES TO LETTER G-54

Jose and Alicia Espinosa

Response to Comment G-54-1. The proposed World Logistics Center (WLC) project includes a General Plan Amendment (GPA) that identifies those portions of the City's General Plan that will be revised if the WLC project is approved, and that GPA was evaluated in appropriate sections of the EIR (e.g., 4.10, Land Use and Planning). The Draft Environmental Impact Report (DEIR) concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-55: Duncan Bush (April 5, 2013)

City of Moreno Valley
Community & Economic Development Department
14177 Fredrick Street
PO Box 88005
Moreno Valley, CA 92552

April 5, 2013

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CITY OF MORENO VALLEY
Planning Division

Ref: **DRAFT ENVIRONMENTAL IMPACT REPORT (SCH #2012021045)**

The DEIR fails to adequately address any mitigation methods to overcome the "significant cumulative impacts" to my house (14670 Gilman Springs Road) and the other houses along Gilman Springs Road. The DEIR admits there are significant cumulative impacts to views, scenic resources, night lighting, and glare as well as noise, air quality and traffic impacts to those houses on Gilman Springs Road yet there is not one mention about the Moreno Knolls Homeowners Association and the Moreno Knolls Development. No one has sought the input from the Homeowners Association or the individual homeowners other than have an opportunity to comment on the DEIR prior to the publication for public review.

The exclusion of any mitigation measures for these minimum 2.5 acre estate properties; just because they are in the unincorporated county area is clearly an Environmental Justice issue. This is especially true when taken into consideration the significant proposed mitigation measures outlined for the properties within the city limits of Moreno Valley. The houses in the city limits other than those in the project don't have anywhere close to these significant cumulative environmental impacts.

It is very clear that the City of Moreno Valley is only concerned about pushing through this project without consideration for any property owners other than those within the city limits and then that is only very limited. My property is the closest developed property to Gilman Springs Road yet no noise studies were conducted on my property to measure the impacts.

The DEIR is misleading and unclear in the description of how high the structures can be along Gilman Springs Road and how close they can be to the residences

and roadway. This is especially true in front of my property. They casually mention that the existing grade will be lowered about 30 feet along Gilman Springs Road and the perception in the report is that will be the case all along Gilman Springs Road. When I read further into the report it says that will not be the case in all locations and it appears that the grade on the south side of Gilman Springs Road will not be reduced more than a couple of feet near my property at the most. I assume this is due to the 16 inch high pressure gas line would be exposed if the site were over-excavated.

The report goes on to say that some of the structures could be up to 80 feet high or higher in this area yet the report tries to lead us to believe that no buildings will be more than 55 feet above the 1,795 foot elevation level. That elevation is the highest elevation point in entire project. When it gets to my property the elevation is about 1,620 feet. That could conceivably allow buildings up to 175 feet tall in front of my property. Building of 55 to 80 feet tall is still like a 5 to 8 story building in front of my house (but instead looks like a concrete wall).

Right now my house enjoys an unobstructed view of Old Moreno, Lake Perris Mountains, open farm land, duck ponds, Mystic Lake and clear down to San Jacinto. All of my views will be completely wiped out with 55 to 80 foot monolithic concrete walls. I just finished spending several hundred thousand dollars rehabbing my property so that we could move in and retire there, enjoy the openness, peace and quiet and views without having any close neighbors. I wouldn't have minded residential neighborhoods as originally planned and approved for this area. A residential area would not have destroyed our views as the zoning height would only be 35 feet above existing grade.

Job Creation Claims to Justify Project

The claim of job creation does not meet the level of justification for such drastic negative impacts the whole east end of Moreno Valley and the San Jacinto Valley area. These new giant distribution warehouses are extremely automated and the DEIR study fails to honestly take into consideration the level of automation that will be going into these warehouses and the resulting job creation. The automation will vastly reduce the number of jobs that would be created. The jobs

being touted will not materialize as presented in the report other than the resultant heavy transportation trucking.

Additional Roadway Impacts

This project will place thousands of trucks onto the same Freeway (Route 60) that approximately 70 percent of the residences of Moreno Valley use for commuting to jobs and school. The DEIR also fails to take into consideration the proposed County of Riverside proposal to allow trash hauling from LA to the Riverside County Dumps at both the Badlands site and the Lamb Canyon site. These trucks are very slow moving and would add considerable congestion and truck traffic to the freeway and roadways that was not taken into consideration in the DEIR.

This DEIR report is replete with failures of The City of Moreno Valley General Plan Policies including:

Policy 2.5.2 "Locate manufacturing and industrial uses to avoid adverse impacts on surrounding land uses". **Note:** The city has already designation the southern portion of the city along I-215 as the primary industrial development area in the general plan.

Conservation Element

Objective: 7.7 "Where practicable, preserve significant visual features, significant views and vistas.

Policy: 7.7.5 "Require development along scenic roadways to be visually attractive and allow for scenic views of the surrounding mountains and Mystic Lake".

I am not opposed to the development of this area but this is not an acceptable project for this location.

This DEIR has Significant Cumulative Failures in so many areas that I am unable to adequately respond to them all.

Annexation:

I am also adamantly opposed to any annexation of the unincorporated county land into the City of Moreno Valley as proposed through this EIR process.

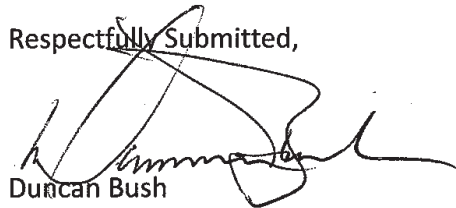
This is just an arrogant mechanism to circumvent the LAFCO process and does not give the property owners an opportunity to comment before the Commission on a supposed LAFCO action that will be enacted by this proposal.

By circumventing the annexation through the EIR process, the LAFCO Commission is turning its "State" authorized powers over to the City of Moreno Valley City Council. Where is the legislation for such an action?

The City of Moreno Valley via the EIR process is effectively taking unincorporated county land zoned W-2 (minimum 2.5 acres for one residential unit) that is currently being used as agricultural land and bringing it under the city control to allow a project that will put massive industrial distribution warehouses right next to my rural residential estate property. They are also taking away scenic vistas and severely degrading the value of my property as a result of Significant Cumulative Impacts with NO attempts to even try and mitigate the damaging impacts.

This project is not my "California Dream", much closer to a "Nightmare".

Respectfully Submitted,



Duncan Bush
29307 Highland Blvd
Moreno Valley, CA 92555

951-333-3540

RESPONSES TO LETTER G-55

Duncan Bush

Response to Comment G-55-1. The commenter is concerned the Moreno Knolls community was not mentioned in the Environmental Impact Report (EIR). The Draft Environmental Impact Report (DEIR) did not mention specific housing tracts or development, but rather emphasized general land uses away from the WLC project site to the east, west, north, or south as appropriate. The residents of the City, including the Moreno Knolls community, were encouraged and notified to participate in a public scoping session hosted by the City on March 12, 2012. The commenter also correctly indicated that input from the Moreno Knolls community was solicited during the 63-day public comment period on the Draft EIR, and more comments will be allowed at the public hearings for the project (Planning Commission and City Council) prior to a decision on the project. In these ways, residents of the Moreno Knolls community have been able to comment on the proposed World Logistics Center (WLC) project.

Response to Comment G-55-2. The commenter expressed “environmental justice” concerns and lack of mitigation for the Moreno Knolls community. It should be noted that the term environmental justice refers to significant environmental impacts that are “inflicted” on minority and/or lower socioeconomic communities because they have less political influence. That does not appear to be the case with this particular community with 2.5-acre lots, but instead presents more community-wide or City-wide environmental issues, as evidenced by the many comments received on the DEIR.

Response to Comment G-55-3. A number of the environmental studies that were prepared along with the DEIR included impacts along the east side of Gilman Springs Road, such as biological and drainage impacts associated with the Badlands area, visual or aesthetic impacts mentioned by the commenter (DEIR Section 4.1.6.1 views from east of Gilman Springs Road, geotechnical constraints, traffic along Gilman Springs Road, and noise levels along both sides of Gilman Springs Road (DEIR Section 4.12, *Noise*). While the emphasis of the document is impacts to City residents, services, etc., the EIR did not ignore impacts to other areas or residents.

Response to Comment G-55-4. Section 3.4.6.1, *Project Description –Land Use Plan* and Figure 3.9 of the DEIR which indicate warehouse buildings along the north, west, and south boundaries of the WLC project. The commenter is correct, buildings along the west side of Gilman Springs Road can would be approximately 80 feet tall, but will be set back from the roadway in most locations where the San Jacinto Fault passes through this area parallel and just west of Gilman Springs Road. It must be remembered the WLC project and the DEIR that accompanies it are programmatic in nature, so specific development characteristics such as building footprints, building heights, and final grade elevations are not known at this time, including along the west side of Gilman Springs Road. In addition MM 4.1.6.3A has been modified to preserve views of Mt. Russell.

Response to Comment G-55-5. The commenter is concerned about the heights of buildings and blockage of views from his property. In response to this and other comments regarding views, MM 4.1.6.3A has been modified to require WLC project buildings to not block the upper two thirds of the vertical view of Mt. Russell from the SR-60 Freeway (refer to MM 4.1.6.3A) While this will not eliminate visual impacts of the project from homes east of Gilman Springs Road, it will substantially reduce them. The commenter is also referred to Response to Comment F-8-3.

Response to Comment G-55-6. The commenter expands on his concerns regarding loss of views. Views will substantially change from vacant dry-farmed land considered general “open space” to many large warehouses if the WLC project is approved. However, the mitigation for loss of views has been modified as outlined in Response to Comment G-55-5 above which will help preserve some views east of Gilman Springs Road.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-55-7. Employment projections for the WLC project are contained in a 2013 report entitled, “Fiscal and Economic Impact Study, WLC, Moreno Valley, California” prepared by David Taussig & Associates, Inc. (DTA). This report is provided in Appendix O of the DEIR. In this report, an estimate of 0.50 employees per 1,000 square feet of building square feet was used to project the number of employees that could be located at the WLC project. Based on the proposed land uses and building areas, this would equate to approximately 20,808 employees. The 0.50 employees per 1,000 square feet factor was based on data supplied by the Southern California Association of Governments (SCAG), the National Association of Industrial and Office Parks, and the U.S. Energy Information Administration. These projections are discussed at length in the DTA report. Additional information regarding these employment projections can be found in the Responses to Comments G-90-1, and A-1 through A-4.

Response to Comment G-55-8. The commenter states the project would place thousands of trucks on SR-60, which approximately 70 percent of Moreno Valley residents use for commuting. The DEIR also fails to consider a proposal by the County of Riverside to allow trash hauling from Los Angeles to the Riverside County dumps at the Badlands and Lamb Canyon.

Chapter 3 Section E of the revised TIA (FEIR Volume 2, Appendix L) discusses Moreno Valley residents’ heavy reliance on long-distance commuting on the freeways, and points out that the WLC project would benefit the residents who now commute to work outside the city by providing more than 20,000 jobs locally. The WLC would offer city residents the option to work near their home rather than commute long distances on the freeway system. The WLC would have some impacts on the freeway system and these impacts have been fully disclosed in the TIA.

The comment appears to refer to a recent (2013) decision by Riverside County to possibly accept trash from Los Angeles County. At this point Riverside County has voted merely to keep the option to accept this trash open, having earlier voted unanimously to vacate their earlier bid on a contract to accept trash from the Sanitation Districts of Los Angeles County. If this option is pursued then the trash hauling project would be subject to environmental review including identification of impacts to the freeway system and the measures needed to mitigate those impacts.

Response to Comment G-55-9. The commenter expressed concern regarding the project’s inconsistency with General Plan policy 2.5.2 regarding separation of residential and industrial uses, and General Plan Objective 7.7 and Policy 7.7.5 regarding visual features and scenic views. The DEIR examines the project’s consistency with these policies in Sections 4.10, Land Use and Planning and 4.1, Aesthetics, respectively. The project does in fact provide a buffer between residential and warehouse uses equal or greater than that identified in the City’s Municipal Code (Section 9.05). As noted previously, MM 4.1.6.3A has been modified to preserve significant views from SR-60 and Gilman Springs Road. Refer to Response to Comment G-95-18. Other potential impacts of the project are evaluated and mitigated as necessary in appropriate sections of the DEIR. The City Council will have to decide whether the project is consistent with the General Plan policies and objectives.

Response to Comment G-55-10. The commenter is concerned about the annexation aspect of the project. Annexation of the property would still ultimately be up to Riverside County’s Local Agency Formation Commission (LAFCO). LAFCO would have to take separate action to approve the annexation. The property west of Gilman Spring Road within the WLC project that will be annexed is within the City’s Sphere of Influence and has been since the City was incorporated. The subsequent steps in the annexation process all are under the authority of Riverside County’s Local Agency Formation Commission (LAFCO). Part of the LAFCO application is to provide appropriate environmental documentation, and this WLCSP EIR is that documentation. The WLC EIR confirms that the City will provide all municipal services for the entire WLC project, including the parcel to be annexed. Other regional agencies, such as Eastern Municipal Water District (EMWD), will continue to provide services as they currently do. The applicant cannot file an application with LAFCO until the WLC EIR is certified by the City.

Letter G-56: Ned and Dawn Newkirk (April 8, 2013)

Attn: Mark Gross and John Terrell
 From: Ned and Dawn Newkirk
 Subject: Official Comments for the DEIR for The World Logistics Center
 Date: April 8, 2013

As we live in the affected area of the World Logistics Center and were pulled into this area as a non conforming entity in May of 2012, we wish to express our opposition to this center for a variety of reasons:

We oppose this project as we were pulled into this area without our consent. On Page 25 of the DEIR in the Executive Summary it is stated that the "WLC is located in the eastern end of the city, so its development would not physically divide an established community. However, development could adversely affect seven existing rural residences onsite, and the land plan cannot accommodate residences within logistics warehousing areas." The DEIR further states that no feasible mitigation is available even though the level of significance is significant and unavoidable. This is totally unacceptable as we feel mitigation is possible. If the city is going to diminish or destroy the quality of life for the residents in the seven homes of the World Logistics Center as far as property values, health, pollution/diesel particulates, noise, and lighting and glare are concerned, why isn't the city offering to help these residents relocate to comparable residences or offer financial compensation for all the adverse affects residents within the WLC will have to endure? (see attachment, pages 1-6).

As the city made the seven residences in May 2012, a part of the WLC, these residences have been in a state of limbo as far as zoning is concerned. How do we sell our property when it may become industrially zoned? Therefore, if we can't sell our property, how can we buy another house to which we can relocate as we have no money or equity from our existing home that can't be sold?

We are opposed to the World Logistics Center as to the harmful effects it could have on the residents of the seven residences within the area of the WLC as well as the warehouse workers and other workers within that area. In the section, Land Use and planning, on page 34, the DEIR states: "It is possible that, as development of the project site occurs according to the WLCSP, large warehouse buildings may eventually be located in close proximity to existing residences. It would be ineffective and inefficient to try to incorporate these residences into the WLCSP land plan of large logistics warehouses to accommodate these residences. In addition, logistics

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operations would cause air pollutant, noise, lighting, and health risk impacts on residents living in these units if they were adjacent to operating warehouses. This is a significant land use impact."

3

Why is the city not protecting the seven residences from air pollution, noise, and other health risks by providing buffers between the warehouses and the residences?

4

The DEIR states that there is no effective way to protect the seven residences from adverse health effects. If the city can't protect its citizens occupying those seven residences from adverse health effects within the WLC area, then why is the city going forward with the project?

We are opposed to the WLC because it does not provide protection and safety to residences within the WLC in regards to dangerous air quality or other health risks. In section 4.10 in land use, page 34 in mitigation measures, the DEIR states: "Installation of solid block walls around the warehouse building or the existing residence would help reduce noise and lighting impacts, but they would not help reduce air pollutants or health risk impacts. Therefore, there is no effective mitigation available to protect or separate these existing residences from future warehousing buildings and operations." Since it is the responsibility of government to protect all of its citizens, who will pay for medical expenses, or compensate for pain, injury, and/or death from harmful effects created by the WLC to the residences within the WLC area? Just to say that because the residences are there and that they could be severely and unavoidably impacted is not acceptable. The City needs to find ways to protect all residents within and adjacent to the WLC area.

5

We oppose the WLC for forcing the seven existing residences to have to "eventually convert to 'light logistics' uses" (Executive Summary, table 1.a, P.29.). Why must our zoning and the general plan be changed to "light logistics" when that is not our desire to pursue that venture?

6

Although there are fifteen plus references to the seven residences within the WLC footprint in the DEIR, it appears as if they are "trapped" there with no intention of the city to help mitigate their obstacles and plight.

We oppose the WLC because of the lack of a necessary infrastructure system needed to support the huge warehouse district. The DEIR addresses part of this concern in Traffic and Circulation/
4.15.7.2 The City of Moreno Valley Development Impact Fee Program

The City of Moreno Valley's Development Impact Fee (DIF) program is used to fund road and intersection improvements needed to accommodate new residential, commercial, and industrial development for funding roadways and intersections. The program collects fees from three categories of residential development (single-family, multifamily, and mobile homes) and five categories of commercial

7

development (general commercial, regional commercial, general industrial, high-cube warehouse, and office) based on their respective trip generating characteristics. In many cases, developers dedicate right-of-way and/or construct improvements that are part of the TUMF or DIF programs in lieu of paying the fees.

However, what other components would be needed to provide an adequate infrastructure for the WLC. If so, would citizens or would the developer have to fund these needed components.

We oppose the WLC for the impact it will have on the region. Mira Loma has one of the poorest air quality in the world and many of their children have developed respiratory diseases. Why would the City of Moreno Valley want to bring in thousands of diesel trucks for goods transport when diesel particulates spewing into the air can cause a myriad of health problems such as cancer, cardiovascular, and respiratory diseases? What research has the City of Moreno Valley conducted to assess how air quality will be affected when pollution from both Mira Loma and Moreno Valley come in the basin between the two cities? (see attachments pages 7-32).

We oppose the WLC because of the inaccuracy in the Skecher's numbers of jobs that were projected (2500) and only six hundred jobs materialized. Although there have been statistics released on the number of jobs the WLC will create, how will the city guarantee the 20,000 plus jobs they have predicted the WLC will produce? Additionally, warehouse automation is rapidly advancing. How can the city predict such a large number of jobs that the WLC will create when robots are continually replacing vast numbers of warehouse workers? (see attachments pages 33-36).

Thank you for your time and attention to our concerns and questions.

Respectfully submitted,

Ned Newkirk
Dawn Newkirk

Ned and Dawn Newkirk
29080 Dracena Ave.
MV, Ca. 92555

RESPONSES TO LETTER G-56

Ned and Dawn Newkirk

Response to Comment G-56-1. The commenter occupies one of the 7 rural onsite residences and objects to the World Logistics Center (WLC) plan including them. The WLC project applicant has proposed the boundaries of the WLC Specific Plan along natural or appropriate boundaries, taking into consideration existing uses and the objectives of the project. In this case, the western boundary of the specific plan is the existing residences east of Redlands Boulevard both north and south of Alessandro Boulevard. This boundary allows for the largest contiguous area for logistics warehouses but unfortunately does include the 7 rural residences mentioned by the commenter. Excluding these 7 properties would significantly break up the potential land plan for which large areas of contiguous property are needed to efficiently design and support large warehouses. Relocation and financial assistance are not California Environmental Quality Act (CEQA) issues and are not addressed in this response.

Response to Comment G-56-2. The commenter questioned the zoning of their property given the WLC project. The 7 rural properties currently have General Plan and zoning designations consistent with the Moreno Highlands Specific Plan, as shown below (map data from City website, lot sizes taken from Table 9.03.040-6 in the City's Municipal Code):

Location of Rural Residence(s)	Gen. Plan	Zoning
2 lots just east of Redlands	R2 (2 du/ac)	RA2 (20 k SF min lot size)
1 lot just west of Theodore	OS (open space)	OS (open space)
4 lots east of Theodore	R5 (2 du/ac)	R5 (7200 SF min lot size)

du/ac = residential dwelling units per acre SF = square feet

Upon approval of the project, existing residentially-developed properties which are changed to non-residential General Plan and zoning land use designations are permitted to continue the residential use of the property indefinitely as "legal, non-conforming uses" subject to the restrictions contained in Municipal Code section 9.02.180, "Legal nonconforming uses, improvements and parcels." Ownership of these properties is not affected by their non-conforming status. The parcels can be bought and sold as legal, non-conforming uses and the residential use can be continued indefinitely by a new owner subject to limitations on the expansion, modification or abandonment of the use or residential structure as detailed in the above-referenced section of the Municipal Code.

Response to Comment G-56-3. The commenter correctly cites the Draft Environmental Impact Report (DEIR) in that it concludes land use impacts are significant for the 7 rural residences. Due to the overall goal of the project (i.e., to support a regional logistics center) the rural residences cannot be incorporated into the project land plan as they currently exist, but are shown as Light Logistics uses for some time in the future. See Response to Comment G-56-2 above.

Response to Comment G-56-4. The commenter is correct the DEIR did not identify specific air quality mitigation for the onsite rural residences. However, there are mitigation measures to address construction-related noise impacts (MMs 4.12.6.1A and 4.12.6.1B). The City Council will consider the effect on the existing residences when it decides whether to approve the project.

Response to Comment G-56-5. The commenter continues explaining concerns about air quality impacts on the rural residences and other offsite residences. As explained in Response to Comment G-56-4, mitigation has been added to install air conditioning filters for the rural onsite residences, but the revised air quality study has determined that air quality impacts for residents adjacent to the WLC project (i.e., west along Redlands Boulevard) will not be significant so no mitigation is proposed.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-56-6. The comment raises no issue with the adequacy of the DEIR and no response is required. Development of the private property within the World Logistics Center Specific Plan (WLCSP) would not occur without the express permission and approval of the property owners (i.e., no other entity could propose or process any development proposals on the owner property without owner's express consent). Existing residential uses would be grandfathered as legal non-conforming uses for as long as anyone wants. Please see Response to Comment F-13-9 for information on proposed mitigation measure related to onsite rural residential uses. The City Council will consider all comments on the project before making a decision on the project. As explained in Response to Comment G-56-1, the City has discretion to establish the boundaries of a specific plan along natural or appropriate boundaries, taking into consideration existing uses and the objectives of the specific plan project.

Response to Comment G-56-7. The commenter repeats the TIA's description of the Development Impact Fee (DIF) program. The commenter asks what other components would be needed to provide adequate infrastructure for the WLC, and whether citizens or the developer would fund those components. The commenter resides in one of the seven houses on the site and seems to be asking if existing residents of the project site would be required to pay for WLC infrastructure. The answer is no, they would not be asked to pay for the infrastructure required for the WLC (see MM Trans-3 in Chapter 11, Section G of the Traffic Impact Assessment (TIA)).

Response to Comment G-56-8. See Response to Comment G-56-7 above.

Response to Comment G-56-9. The commenter inquires as to how air quality will be affected when pollution from both Mira Loma and Moreno Valley comeingle in the basin between the two cities. From a review of the prevailing wind patterns in the area, the most frequent wind patterns at both locations are generally from the northwest, not towards each location. Therefore, there should be a minimum degree of comingling of emissions from both locations. In addition, as part of the localized significance air quality impact analysis, the cumulative air quality impact from the project's emissions when added to the highest measured air quality levels from all other emission sources surrounding the project, including those emissions from the Mira Loma, area did not violate any ambient air quality standards for locations outside of the project boundaries.

Response to Comment G-56-10. While the City cannot guarantee the exact number of jobs the project will generate, as that will be dependent on the mix of users ultimately locating within WLC, the DEIR projects future employment figures based on the average employment per square foot for a variety of types of logistics facilities. Please reference the Response to Comment G-90-2 for more information.

Letter G-57: Tracy Hodge (April 7, 2013)

Comments for the Draft Environmental Report
For the World Logistics Center

April 7, 2013

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

Attn: John Terrell
Mark Gross

RECEIVED
APR 08 2013
CITY OF MORENO VALLEY
Planning Division

Re: Comments for the Draft Environmental Impact Report for the World Logistics Center

To whom it may concern:

I oppose this project because a 41 million square foot warehousing complex is not economically feasible without freight rail and additional highway infrastructure to support its shipping and receiving demands. Plus the Lead Agency has not disclosed how much it will cost in tax dollars for this project. Without knowing that amount, neither the public nor the Lead Agency can determine the economic feasibility. It creates unavoidable health consequences as well as traffic and infrastructure burdens that cannot be effectively mitigated.

1

In direct reference to the Draft Environmental Impact Report (DEIR), section 4.0 there is reference that a "new Specific Plan will be adopted to govern development of the WLC." What is the schedule release date of this Specific Plan for public review and comment? And how does this proposed project conform to the overall regional goals for the Inland Empire?

2

The DEIR states there will be a separate zoning amendment of the 1104 acres of open space. When will the hearing be scheduled and what is the position of the FNSJWL on this rezoning map?

3

Section 4.1 Existing Policies and Regulations references the rezoning of the area within the project boundaries. What will be the allowable uses and restrictions of this area for manufacturing and industrial uses? Who will police the daily activity and what will be the Lessor/Lessee obligation to disclose to the City what their operations entail?

4

In direct reference to section 4.1.2 Existing Policies and Regulations, Objective 2.5; this states "promote a minimum of Industrial uses which provide a sound and diversified economic base and ample employment opportunities for citizens of Moreno Valley with establishment of Industrial activities that have good access to the regional transportation system, accommodating the personal needs of workers and business visitors, and which meets service needs of local businesses." But how is this accomplished if our community already experiences the Level of Service for traffic circulation of an E or F level rating?

5

Comments by Tracy Hodge

Page 1

Comments for the Draft Environmental Report
For the World Logistics Center

To designate residential traffic arteries within communities as truck routes does not improve this LOS rating it makes it worst.

6

Who will pay for the upkeep of our community infrastructure of the traffic routes that become designated as truck routes, the tax payer or will there be a special assessment for the occupant in the commercial building that is using those truck routes to support their business?

7

Section 2.5.4 of the same 4.1.2 as noted above references "design industrial developments to discourage access through residential areas." What streets will be specifically designated as Not a Truck Route and what will the penalties be for those who choose to violate those restrictions. Who will be responsible for infrastructure repairs when unauthorized/overweight vehicles damage residential streets?

8

Currently, as a resident who lives on Shubert Street off Redlands Blvd., our street does become a used route for all vehicles when traffic is diverted off Redlands Blvd. to Eucalyptus or Dreacaea. What measures will be put in place to ensure the diesel trucks are NOT using our neighborhood streets?

9

Objective 2.10 of the same 4.1.2 as noted above shows consistent exemplary design is contrary to the installation of sound walls along existing residential neighborhoods as well as displaying inadequate setbacks and streetscape obligations to be provided by the developer. How will this be handled?

10

Policy 2.10.4 of the same 4.1.2 as noted above Landscape buffers and transitions will be a very important part of setting the esthetics benchmark for the development. Will uniformity be a requirement for each parcel so to not detract from an adjacent property? Will the landscape tree and shrub count include enough elements and separation to absorb the diesel particulates to reduce the exposure of diesel toxins to the neighbor/neighborhood?

11

Policy 2.10.11 of the same 4.1.2 as noted above to screen and buffer non-residential projects from adjacent residential properties does not clearly identify the minimum setback requirements to reduce the exposure of diesel particulates to the residential neighborhood adjacent to the commercial building nor does it address the requirements of the No Idling Restrictions. These measures not being clearly addressed will affect the quality of life for any person subjected to the impacts of this project.

12

My concern with this very topic is that cities and counties adopt design standards for Residential neighborhoods with details of maximum rooflines, minimum number of units, setback requirements, colors & materials, walls & fence design standards, lighting restrictions by ordinances, maximum lot coverage, minimum space between structures, watercourse and drainage design to protect the natural and forms, reverse frontage treatments for landscape street medians and parkways, minimum landscape requirements, drainage plan and flood control. What is the design criteria for this project so that the same development standards are applied to the commercial project that would be applicable to a residential project? This DEIR may reference proposed placement of buildings and proposed line of sight based on a specific location, but how do we know this will be the standards of what becomes the finished product?

13

Comments for the Draft Environmental Report
For the World Logistics Center

Policy 2.10.5 of the same 4.1.2 as noted above freeways are the only road identified to have landscape buffers. Why aren't the residential neighborhood streets adjacent to the project also included in this buffer requirement?

14

Table 3.A of the Moreno Highland SP (Current Land Use Designation) states the developer owns or controls 46% of an area being planned so how does the developer or the City have any right to override the remaining 54% of the land designation that is owned by other private, none supportive parties?

15

How does warehouses sustain a pleasant "living and working environment" when the output is toxic to our air we breathe, stifles our flow of traffic, deteriorates our infrastructure and completely changes the economics and esthetics of the community? What is pleasant about any of these facts?

16

The Noise Assessment for the World Logistics Center dated January 24, 2013 identifies residents of Site 9 along Shubert Street which was included in this referenced noise study as being a quiet residential area. What actions and traffic restrictions will be put in place to maintain the current quality of life I experience as a property owner on Shubert Street?

17

According to the historical opinion of our past governing body and according to our Community General Plan, specifically noted on page 7-12, Scenic resources contribute to the overall desirability of a community. The distinctive physical setting of Moreno Valley creates much of the city's appeal as a place in which to live. Thus Moreno Valley's visual resources are also of economic value to the Community. So if it has been the opinion for many years, what is the economic value that is being placed on warehouse verses the current expired General Plan? What research has been put in place to validate the economic decision of warehouses instead of the currently expired General Plan and when will that comparison be made available to the general public for review?

18

Many qualities that once promoted a positive livable environment will become dramatically altered when this project becomes reality for this community. We will struggle with the health challenges each of us within the region will have to face which will diminish our quality of life. The road ways that are already congested with the daily demands of our region as of today will become even more of a difficult encounter when diesel trucks are added to the community. Our region already has recorded data of being amongst the worst air quality in the state. The 22,000 additional trucks per day is a nuisance that can be avoided in an area that cannot support that demand. Fact is that 200 vehicles are equivalent to 1 diesel truck when it comes to the health impact on the region. The health impacts alone are overwhelming to try and comprehend and for our local leaders to overlook these facts willfully put our community in harm's way.

19

In closing, I fully support the currently expired General Plan because it develops the east side area in a way that makes the most practical sense to our community. Many of us homeowners read this General Plan to see the vision of the community leadership that aided us in making the decision to buy here in Moreno Valley instead of elsewhere. I support the plan that will attract businesses to our city for it to prosper. As a vested homeowner in this east side community, I respectfully request the reconsideration of these unavoidable impacts and consider choosing a sustainable master plan that provides a livable environment for all. Warehouses are of the poorest economic choice that could be considered for this

20

Comments by Tracy Hodge

Page 3

Comments for the Draft Environmental Report
For the World Logistics Center

area and as I see it, it only makes economic sense for one entity and we the people who make up this community deserve better than that!

20

Respectfully,



Tracy Hodge

Homeowner in Moreno Valley

13097 Shubert St.
Moreno Valley, Ca. 92555

RESPONSES TO LETTER G-57

Tracy Hodge

Response to Comment G-57-1. The Traffic Impact Analysis (TIA) prepared as part of the Draft Environmental Impact Report (DEIR), addressed the infeasibility of rail (see Section 4.F of the TIA) and the impacts of the World Logistics Center (WLC) on the City's existing infrastructure, and more information can be found there related to the mitigation of such impacts and the adequacy of the infrastructure once these mitigation measures have been put in place. Furthermore, the DEIR includes a fiscal impact study that analyses the revenues (e.g.: property taxes) as well as expenditures (e.g.: services provided by the City) as a result of the WLC. Notably, Section 3, Table 3C of the Fiscal Impact Analysis shows a positive impact to the City's General Fund, which means that revenues to be collected by the City from the WLC project will outweigh the expenditures to the City from the project.

Response to Comment G-57-2. The Specific Plan was/is available and is included as Appendix H-1 of the DEIR. From the Riverside County service goals and strategies website, the Board of Supervisors feels strongly that the creation of jobs and the promotion of economic diversity are keys to the accomplishment of the County's Strategic Vision. Accordingly, County government will emphasize and promote quality commercial and industrial development in the County through a comprehensive economic development strategy. The county seeks to Encourage Commercial and Industrial Development by: focusing financial incentives on attracting high-skill, high-pay industries such as: semiconductors; biomedical instruments and products; environmental technology; food processing; alternative fuel vehicles; and, distribution and light manufacturing.

Response to Comment G-57-3. The hearing for the rezoning map will be scheduled concurrently with the EIR and Specific Plan. The Friends of Northern San Jacinto Valley Wildlife is in favor of the rezoning.

Response to Comment G-57-4. The allowable uses and restrictions for the WLC will be governed by the WLC Specific Plan Section 2.0 (Land Use Plan), included as Appendix H-1 of the DEIR. Manufacturing and chemical processing are not permitted uses within the WLCSP.

The Lessees are required to disclose what their operations entail upon application for occupancy permits (Moreno Valley Municipal Code and Uniform Building Code). The City's existing code enforcement program will be responsible for ensuring compliance with restrictions on industrial uses.

Response to Comment G-57-5. The commenter refers to Section 4.1.2 of Existing Policies and Regulations, Objective 2.5 in the DEIR which states the City will promote industrial uses to accommodate the needs of workers and business visitors and which meets service needs of local businesses. The commenter asks how this can be accomplished if the city already has Level of Service (LOS) E or F for traffic circulation. The commenter states designating residential traffic arteries within communities as truck routes does not improve LOS but makes it worse.

The WLC would provide a new set of roads specifically designed to accommodate the needs of warehouses. These would have LOS of D or better. Please see TIA Chapter 4, Section B, the sub-section entitled Proposed Road Network. See Figure 16 in the TIA, copied below.

An additional figure (Figure 8) has been included in the revised TIA showing the designated truck routes in and around Moreno Valley. Trucks are prohibited from all other streets except to the extent that it is necessary to access delivery destinations not directly accessible along designated truck routes.

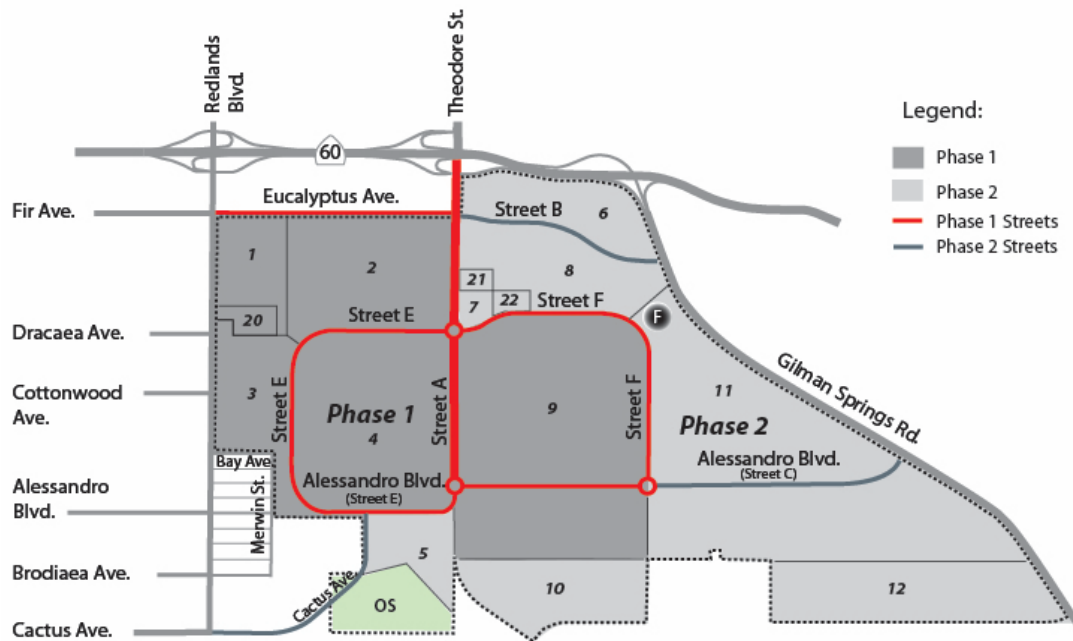


Figure 16: Proposed Roadways and Phasing

Response to Comment G-57-6. See Response to Comment G-57-5 above.

Response to Comment G-57-7: As noted in the Response to Comment G-57-1, the DEIR includes a fiscal impact study that analyses the revenues (e.g.; property taxes) as well as expenditures (e.g.; services provided by the City) as a result of the WLC. The fiscal impact analysis shows a positive impact to the City's General Fund, and the surplus generated by the City will be available to support not only the maintenance of infrastructure adjacent to the project, but also other infrastructure Citywide.

Response to Comment G-57-8. Redlands Blvd south of Eucalyptus Ave and Cactus Ave are both designated as not truck routes. Moreno Valley Police Department is responsible for enforcing truck routes by either responding to community input or proactively patrolling City streets (Moreno Valley Municipal Code Section 12.36). Penalties for violations of the truck route are established and collected by the Riverside County Court system. Likewise the City of Moreno Valley is responsible for infrastructure repairs, but they may seek remedies of habitual violators.

Response to Comment G-57-9. The commenter states their residential street is used by all vehicles when it is used as a diversion route when Redlands Blvd is closed to Eucalyptus or Dracaea. The commenter asks what measures will be put in place to ensure that diesel trucks would not use their neighborhood streets.

The Moreno Valley City Council rescinded Redlands Blvd.'s designation as a truck route south of Eucalyptus Avenue (the section cited in the comment). Previously trucks had been allowed south as far as Alessandro Blvd. See Moreno Valley Ordinance No. 836 dated January 10, 2012.

Response to Comment G-57-10. The setbacks of the project from existing residents are unrelated to the impacts requiring sound walls in existing residential areas. Roadway noise from existing streets

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

adjacent to residential homes are the source of the impact that is being mitigated by the proposed sound walls.

Response to Comment G-57-11. The World Logistics Center Specific Plan (WLCSP) emphasizes landscaping and energy conservation or sustainability concepts as an integral part of project design consistent with Policy 2.10.4. The energy conservation and sustainability concepts are outlined in Section 6 of the Specific Plan. Uniformity will be required for Buildings and Landscaping as outlined in Section 5 of the Specific Plan.

The effectiveness of vegetative barriers is highly complex and depends on a number of factors including particle size, wind speed, leaf area density, gaps in the vegetation, tree species, and season. The project proposes to plant a wide variety of vegetative species, as shown in the WLCSP, Section 5.4, Onsite Landscaping, which could act as a vegetative barrier. At this time, it is not possible to gauge the effectiveness of the vegetative barriers in absorbing air pollutants and any attempt to do so would be speculative. However, a recent South Coast Air Quality Management District (SCAQMD) forum, Near-Road Mitigation Measures and Technologies featured several presentations that showed that vegetative barriers had measurable benefits in reducing pollution. (<http://www.aqmd.gov/tao/ConferencesWorkshops/NearRoadMitigation/Agenda-presentations.pdf>),

The commenter also inquires as to the landscape count and separation to absorb the diesel particulates to reduce exposures to the neighborhood. The effectiveness of vegetative barriers is highly complex and depends on a number of factors including particle size, wind speed, leaf area density, gaps in the vegetation, tree species, and season. The project proposed to plant a wide variety of vegetative species, as shown in the World Logistics Center Specific Plan, Section 5.4, Onsite Landscaping, which could act as a vegetative barrier. At this time, it is not possible to gauge the effectiveness of the vegetative barriers in absorbing air pollutants. However, a recent SCAQMD forum, Near-Road Mitigation Measures and Technologies, featured several presentations that showed that vegetative barriers had measurable benefits in reducing pollution.

Response to Comment G-57-12. While the City of Moreno Valley's General Plan Policies do not contain a minimum setback distance as described in Policy 2.10.11, Section 4.1.6 of the DEIR clearly states the following:

"The Specific Plan establishes a minimum setback of 250 feet along the west boundary of the project site between sensitive receptors (i.e., houses) and buildings or parking/circulation areas within the WLCSP. The Specific Plan also includes specific landscaping and other design criteria for this buffer (see WLCSP Section 4.2, Offsite Landscaping). It should be noted that the width of the adjacent street outside of the WLC project boundaries (e.g., Redlands Boulevard, Bay Avenue, and Merwin Street) is included in the 250-foot buffer distance."

The regulations that prohibit idling in excess of 3 minutes are described in detail in Section 4.3.2.3 of the DEIR and mitigation measure (MM) 4.3.6.2A and 4.3.6.3B provide additional requirements to ensure that idling is prevented within the proposed project area. In addition, the 250-foot setback has been determined to be sufficient to make the health risk to neighboring residences from diesel particulates insignificant, citing the appropriate portions of the risk assessment.

The commenter also requests clarification of the minimum setback distances and idling restrictions. The setback distances are covered in the World Logistics Specific Plan Section 2.2 Logistics Development Category, wherein it is stated that the minimum building setback distances would be 250 feet from California Department of Fish and Wildlife-owned property and 250 feet from residentially zoned or occupied property. Section 6.0 of the Specific Plan, Sustainability, specifies a limit of 3 minutes for engine idling).

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-57-13. While the City of Moreno Valley's General Plan Policies do not contain a minimum setback distance as described in Policy 2.10.11, Section 4.1.6 of the DEIR clearly states the following:

The Specific Plan establishes a minimum setback of 250 feet along the west boundary of the project site between sensitive receptors (i.e., houses) and buildings or parking/circulation areas within the WLCSP. The Specific Plan also includes specific landscaping and other design criteria for this buffer (see WLCSP Section 4.2, Offsite Landscaping). It should be noted that the width of the adjacent street outside of the WLC project boundaries (e.g., Redlands Boulevard, Bay Avenue, and Merwin Street) is included in the 250-foot buffer distance.

The regulations that prohibit idling in excess of three minutes are described in detail in Section 4.3.2.3 of the DEIR and MM 4.3.6.2A and 4.3.6.3B provide additional requirements to ensure that idling is prevented within the proposed project area.

The WLC Specific Plan addresses on-site design standards in Section 5, this section provides standards regarding maximum rooflines, setback requirements, colors and materials, walls and fence design standards, lighting restrictions by ordinances, and landscape requirements. Building square footage by planning area is provided in Section 2 of the Specific Plan. Section 3.5 of the Specific Plan provides information on utilities including drainage and flood control facilities.

Line of sight for future buildings will be addressed through mitigation measure, MM 4.1.6.1B. The mitigation measure has been revised to reflect that the purpose of the renderings is to show visual impacts from adjacent residential land uses in order for the City to evaluate and ensure consistency with the General Plan Objective 7.7.

4.1.6.1B ~~Prior to the issuance of any discretionary permit for development under the WLCSP adjacent to Redlands Boulevard, Bay Avenue, and Merwin Street, the developer shall provide a plot plan or site plan, landscaping plan, and visual rendering(s) consistent with the WLCSP that accurately illustrate the appearance of the proposed development. The renderings shall be sufficient to demonstrate that views of the buildings and trucks will be effectively screened from view by existing residents upon maturity of planned landscaping. The location and number of view presentations shall be at the discretion of the City Planning Division.~~

4.1.6.1B Each Plot Plan application for development adjacent to Redlands Boulevard, Bay Avenue, or Merwin Street, shall include a plot plan, landscaping plan, and visual rendering(s) illustrating the appearance of the proposed development. The renderings shall demonstrate that views of proposed buildings and trucks can be reasonably screened from view from existing residents upon maturity of planned landscaping and to ensure consistency with the General Plan Objective 7.7. "Effective" screening shall mean that no more than the upper quarter (25%) of a building is visible from existing residences, which shall be achieved through a combination of landscaping, berms, fencing, etc. The location and number of view presentations shall be at the discretion of the Planning Division.

Response to Comment G-57-14. Policy 2.10.5 is a City of Moreno Valley General Plan policy. This policy is outlined in Section 4.1.2 and evaluated in Section 4.1.6.3. Treatment of project edges adjacent to residential streets is addressed in Section 4.2.4 of the Specific Plan. In addition, each individual building in the WLC will go through a discretionary plot plan process to evaluate each building's consistency with the Specific and General Plan. In Specific Plan Section 2.5 there are designated special edge treatment areas adjacent to residential neighborhood streets including 250-foot setbacks. The treatment areas are explained in greater detail in Specific Plan Section 4.2.4.

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

Response to Comment G-57-15: General Plan amendments, rezonings and specific plans are legislative actions but landowners have the right to comment and be involved in the review process for such actions. Ultimately the City Council will make the final decision regarding all land use change requests.

Response to Comment G-57-16. The commenter says the project does not promote a pleasant living and working environment per the General Plan. There are many land uses that are necessary for a healthy economy to operate effectively and efficiently. Large warehousing projects can provide thousands of local jobs and helps the regional economy. Warehouses can be attractive and good neighbors with the proper planning and buffers. It will be up to the City Council to determine if this project is in keeping with the overall plans for development in the City, and if its benefits outweigh the significant project impacts identified in the EIR, including traffic, air quality, and noise.

Response to Comment G-57-17. The technical noise assessment (page 59 of DEIR Appendix K, the technical noise report) shows homes along Shubert Street will have a “potentially significant impact” which cannot be mitigated. This significant impact will be caused by traffic associated with the project. Noise from the logistic uses on-site will be mitigated with soundwalls and setbacks, and will not be a significant impact on the residences in this area.

Response to Comment G-57-18: The Moreno Highlands Specific Plan was never implemented because it was not economically feasible. While the WLC may not visually enhance the scenic aspects of Moreno Valley, the project is expected to satisfy the economic development aspects of the current Community General Plan and will therefore add economic value to the City itself, as compared with more residential development in a City that currently provides few employment opportunities for its residents.

Response to Comment G-57-19. The commenter notes several negative effects of the project including health effects and traffic congestion. The DEIR (section 4.3) discusses and quantifies the new sources of emissions that would have a significant impact on air quality.

The commenter incorrectly indicates a total of 22,000 additional trucks per day that would service the project. The actual number is approximately 14,000 trucks per day⁴⁶. The 22,000 trucks noted are not the actual number but are in the form of passenger car equivalents (PCEs). A passenger car equivalents (PCE) is essentially the impact that a mode of transport has on traffic variables (such as headway, speed, density) compared with a single car as a multiple of number of passenger cars. In the project Traffic Impact Analysis⁴⁷, the following PCEs were used:

- Passenger car: 1 for surface streets and freeways
- Light heavy-duty truck (large 2-axle trucks): 1.5 for surface streets and freeways
- Medium-heavy duty trucks (large 3-axle trucks): 2.0 for surface streets and 1.5 for freeways
- Heavy-heavy duty trucks (large 4+ axle trucks): 3.0 for surface streets and 1.5 for freeways

Response to Comment G-57-20. The comment does not apply to the EIR analysis or conclusions, but are personal objections to the project and support of the expired General Plan. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

⁴⁶ See Table 24 of the Traffic Impact Analysis Report for the World Logistics Center, October 2013.

⁴⁷ Ibid.

Letter G-58: Faith Wong (email) (April 8, 2013)

From: fwong52ut@yahoo.com [<mailto:fwong52@yahoo.com>]

Sent: Monday, April 08, 2013 3:20 PM

To: Mark Gross

Subject: Official Comments for the DEIR for the World Logistics Center

Dear Mr. Gross:

I am opposed to the World Logistics Center because of the tremendous negative impact it will have on Moreno Valley and the surrounding area. The WLC will destroy air quality, which will lead to severe health issues for many residents, especially children and senior citizens. The numerous trucks will emit Diesel particulates with cancer-causing carcinogens. The trucks will also add an incredible amount of noise pollution, cause traffic congestion, and damage road systems. With huge warehouses and hundreds of Diesel trucks running daily, the Moreno Valley community will have an industrial feel and become a far less desirable place for people to live and rear families. Moreno Valley stands to lose too much with the WLC!

Could you please send a confirmation of receipt of this email. Thank you very much for your help!

1

Respectfully submitted,
Faith Wong

RESPONSES TO LETTER G-58

Faith Wong

Response to Comment G-58-1. None of the comments apply to the Environmental Impact Report (EIR) analysis or conclusions, but are personal observations about the project and project review process. The Draft Environmental Impact Report (DEIR) concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-59: Thomas Harris (email) (April 8, 2013)

From: Tom Harris [<mailto:harristom@outlook.com>]

Sent: Monday, April 08, 2013 3:32 PM

To: Mark Gross

Subject: Official DEIR Comments for the World Logistics Center

Letter G-59

I oppose this project because the adverse health effects of diesel particulate pollution from 41 million square feet of warehousing trucks are not fully known. Research has just become available that has linked pollution during pregnancy to increased autism risk. The beautiful majestic mountains that surround our city keep pollution trapped here. Why hasn't an alternative site that is not surrounded by mountains been identified with a corresponding map?

1

I don't think the employment numbers are correct. The previous project from this developer which is Sketchers promised 2500 jobs, but the building was only designed for 300 because it is so modern and electronically advanced. Warehouse electronics are just like computer technology, it's outdated almost as soon as it's finished. That means that each warehouse constructed will have fewer employees than the one before. How can the City or the developer properly estimate the number of jobs? How can the residents trust the City or the developer when they continue to falsify employment numbers?

2

Sincerely

Thomas F Harris

25581 Sierra Leone Ct
Moreno Valley CA 92551

RESPONSES TO LETTER G-59

Thomas Harris

Response to Comment G-59-1. The commenter notes research linking pollution during pregnancy to increased autism risk and mountains that trap pollutants and the need to site the project at an alternative location not surrounded by mountains that trap air pollutants.

Please see Master Response-2: Health Effects of Diesel Particulate emissions. The comment does not provide any references that substantiate the linkage between air pollution and autism. The comment, however, likely refers to a recent study published by Volk, et. al (2010)¹ that tracked children in the Los Angeles area. This study examined the association between autism and proximity of residences to freeways and major roadways during pregnancy and near time of delivery, as a surrogate for air pollution exposures. The conclusion of the study indicated that mothers living close to a freeway have twice the risk of autism compared to living away from a freeway. Heather Volk, the lead author of the study, however, stated that “This study isn’t saying exposure to air pollution or exposure to traffic causes autism. But it could be one of the factors that are contributing to its increases.”² The study did not directly implicate air pollution as a risk factor for autism because the study did not have a way of directly measuring how much air pollution the mothers were exposed to during pregnancy nor how much time the mothers spent at home or working or commuting. Complicating this type of relationship is the fact that recent increases in the rates of autism may be due in large part to the result of better diagnosis and detection and wider awareness and broader and shifting definitions of autism³. The linkage is by no means certain and requires substantially more research on cause and effects.

With regard to the effects of mountains, the effects of terrain on air dispersion modeling was included in the assessment of the project’s pollutant impacts. In addition, as noted in Section 6.3.9 of the Draft Environmental Impact Report (DEIR), an analysis was performed to determine if any alternative locations in the surrounding region could be identified that would reduce or eliminate one or more of the project’s significant impacts. This analysis was based on feasible sites that could realistically support the proposed project (i.e., a contiguous site for 40.4 million square feet of high-cube logistics warehouse uses as envisioned by the World Logistics Center (WLC) Specific Plan). The analysis indicated that there are no feasible alternative sites in the surrounding or nearby jurisdictions that could support the proposed project (i.e., that have enough vacant land zoned or available for logistics warehousing with good freeway and/or rail access).

Response to Comment G-59-2. We are unclear why the author of this letter believes that the Skechers facility was only designed for 300 employees, which is factually untrue. Please reference the discussion in the Responses to Comments G-90-2 and G-57-1, above for more information.

¹ Volk, H. Hertz-Picciotto, I. Delwiche, L., Lurnamm, F. and R. McConnell: 2010. Residential Proximity to Freeways and Autism in the CHARGE Study. Website: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3114825/>

² Los Angeles Times, December 6, 2010. “Proximity to freeways increases autism risk, study finds.” Website: <http://articles.latimes.com/2010/dec/16/health/la-he-autism-20101217>

³ Time Health and Family, March 29, 2012. “Autism Rises: More Children that Ever Have Autism, but is the Increase Real?”; Website: <http://healthland.time.com/2012/03/29/autism-rises-more-u-s-children-than-ever-have-autism-is-the-increase-real/>

Letter G-60: Timothy Newkirk (email) (April 9, 2013)

From: Timothy Newkirk [<mailto:timothynewkirk1976@gmail.com>]
Sent: Monday, April 08, 2013 3:39 PM
To: Mark Gross
Cc: John Terell
Subject: Official comments for the DEIR for the World Logistics Center

I am opposed to the WLC as it will bring thousands of diesel trucks to Moreno Valley that will emit harmful pollutants.

1

Timothy Newkirk
29080 Moreno Valley, Ca 92555

RESPONSES TO LETTER G-60

Timothy Newkirk

Response to Comment G-60-1. None of the comments apply to the Environmental Impact Report (EIR) analysis or conclusions, but are personal observations about the project and project review process. The Draft Environmental Impact Report (DEIR) concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Letter G-61: Tiffany Newkirk (email) (April 9, 2013)

From: Tiffany [<mailto:tiffanynewkirk@yahoo.com>]

Sent: Monday, April 08, 2013 4:35 PM

To: Mark Gross

Subject: Official comments for the DEIR for the World Logistics Center

I am opposed to The World Logistics Center as I feel the project will not create nearly as many jobs as has been predicted by various economists. In addition, there are too many health risks the center would pose with emissions from thousands of trucks.

1

Respectfully submitted,

Tiffany Newkirk
12795 Moreno Beach Dr. Unit 1103
Moreno Valley, Ca. 92555

Please send me confirmation of receipt of this email

RESPONSES TO LETTER G-61

Tiffany Newkirk

Response to Comment G-61-1. The commenter is concerned that project job promises are overstated and will outweigh air pollution concerns. Many commenters referred to “lower than expected” job estimates for the Skechers warehouse as a reason to mistrust the current projections. A discussion of Skechers job numbers is provided in the Response to Comment G-49-20. The job estimates for the project are based on industry-wide standards for similar types of uses, and so are considered appropriate for this project as well. The City Council will consider all comments and responses in this Final Environmental Impact Report (FEIR) document, prior to making a decision on the project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts, including air pollutants. The Draft Environmental Impact Report (DEIR) has discussed the Health risks associated with the project extensively (refer to DEIR Section 4.3.3.4)

Letter G-62: Barbara Smith (email) (April 8, 2013)

From: Barbara Smith [<mailto:meowmynana@yahoo.com>]

Sent: Monday, April 08, 2013 3:49 PM

To: Mark Gross

Subject: Official Comments for the DEIR for the WLC

Letter G-62

I oppose the World Logisitics project mainly because of the drastic adverse effects of the health on my community. Surrounding communities are also affected negatively, since the pollution encompasses a twenty mile radius from the center of the project. The health of citizens is jeopardized by the building of massive warehouses in densely populated areas. Living in close proximity to freeways that carry thousands of trucks to a facility, such as the one proposed, causes, as the 2002 study by the AQMD of the air quality in Mira Loma shows, cancer risks, cardio-vascular problems, asthma, and other respiratory problems.

1

Therefore, I vehemently oppose this project.

Barbara J. Smith
Riverside resident

RESPONSES TO LETTER G-62

Barbara Smith

Response to Comment G-62-1. The commenter notes the potential health effects from locating large warehouses in densely populated areas.

The health effects from emissions of diesel particulate matter were discussed in Master Response-2: Health Effects of Diesel Particulate Matter. The project has committed to minimizing its health impacts through the imposition of several mitigation measures and project design features designed to reduce its air emissions. These measures were discussed in Response to Comment letter E-3-8.

Letter G-63: Shelly Mesa (email) (April 8, 2013)

From: Shelly Mesa [<mailto:shellymesa@roadrunner.com>]

Sent: Monday, April 08, 2013 4:44 PM

To: Mark Gross

Subject: Official Comments for the DEIR for the "WLC."

Letter G-63

Dear Mr. Gross,

I am a concerned resident of Moreno Valley (Rancho Belago) district 5, and I'm writing in "Opposition Of the WLC project.

My home is less than 500 ft. adjacent to Redlands blvd. and Dracaea Ave.

I want to know how you can ignore the "significant cancer risk increases from deisal exhaust, " the engines emit a complex mixture

of pollutants, composed of gaseous and solid material.also known as particulate matter or PM.

Deisal trucks also contribute to California's fine particulate matter (PM2.5) air quality problems. The most vulnerable are children as well as the elderly who have their own health problems. A report written by Caif. Air Resources Board (CARB) and peer reviewed by the EPA, that (PM2.5) causes 9,200 premature deaths in California each year.

Particulate pollution is categorized into 3 main sizes, PM10 measures up to 10 microns in diameter and appears as black dust or soot.PM2.5 measures 2.5 microns or smaller in diameter and PM0,1 (ultra fines) make up more than 90% of deisal particulates. the smaller the size the greater the health

risk. It's very discouraging to have read that these Ultra Fine particles are not regulated by law are not considered in the EIR being conducted by WLC.

Are the residents located where the Deisal trucks will be traveling along Cactus Ave. aware of these hazards? There are a multitude of neighborhoods as well as two elementary schools, and Hospitals along this route, that will be Impacted by Dirty Deadly Diesel.

I'm sure that the six feet soundwalls being built around those areas, will not protect the air everyone will be breathing?

Never mind the financial burden of Cancer Treatment, who will be responsible for picking up future bills from residents being affected by these Warehouses and the hazerdous air quality, Itto Benzeevi or the City Council of Moreno Valley?

And what about the Workers who will be employed by these Manufactures, what will be their rights as to the air they breathe?

Who will be taking care of their medical costs, when their bodies start developing health issues from the Hazerdous enviroment their working in?

My convictions tell me "To Whom Much Is Given Much Is Required."

I challenge you to stick to "The General Plan," 700 houses, and Small Business Park where residents are encouraged to open their own business, instead of commuting! I read that would entail 21,000 jobs, where WLC would only promise 20,000 jobs?

The Future is'nt in "200, 000 square feet of warehouses? It's in a city that has become self sustaining and encouraging the farmers, and

the 7-residents, instead of buying them out or better yet forcing them out with the WLC project. I encourage you to way all options of

Community Developement (land use); Circulation; Parks, Recreation, and Open Space; Safety; Conservation; and the General Plan Goals and Objectives. A suggestion check out " The Riverwalk Developement," located in the "La Sierra," area adjacent to 91 freeway.

Sincerely
Shelly Mesa

RESPONSES TO LETTER G-63

Shelly Mesa

Response to Comment G-63-1. The commenter refers to project impacts dealing with diesel exhaust and particulate matter as well as travel along Cactus Avenue

The potential air quality and health risk impacts were fully documented and disclosed in the Draft Environmental Impact Report (DEIR) and the revised analysis (see Section 4.3.6.5 Impacts to Sensitive Receptors in the DEIR and Section 5 Air Quality Impact Analysis in the revised analysis). These assessments examined emissions of not only diesel particulate matter (PM) but also emissions of what are referred to as criteria pollutants for which ambient air quality standards have been established by the Environmental Protection Agency (EPA) and the Air Resource Board (ARB). These criteria pollutants include nitrogen dioxide, carbon monoxide, volatile organic carbon, and particulate matter (PM₁₀ and PM_{2.5}). Using methods approved by the South Coast Air Quality Management District (SCAQMD) and the ARB⁵¹, emissions were estimated for construction and operation of the project including emissions from the motor vehicles that would visit the project site every day. Based on these emissions, estimates were made of the potential air quality and health risk impacts that would result from the project. The results indicate that the project would result in impacts that would exceed the significance thresholds established by the SCAQMD and would remain so after application of all feasible mitigation measures. One such measure requires all diesel trucks to be equipped with truck engines that are compliant with the Model Year 2010 engine standards, the cleanest diesel truck engines available. See also Response to Comment Letter E-3-8.

The commenter is correct that ultrafine particles (UFP) are not regulated by law. Ultrafine particles are a part of PM_{2.5}, since PM_{2.5} contains particles less than 2.5 microns in size. The revised analysis provides a discussion of ultrafine particulate matter but does not quantify them because there is no methodology or standards by which to determine the results or identify significance. There currently are no ambient air quality standards applicable to ultrafine particulate matter. See also Section 2.2.3 of the revised analysis, which discussed the scientific perspectives of the SCAQMD and EPA on ultrafine particulate matter. Potential impacts to school-age children are discussed in Response to Comment E-3-7.

Response to Comment G-63-2. The comment expresses concern regarding the welfare of the workers who will be employed at the warehouses. Please refer to the Response to Comment F-11-27 concerning potential impacts to worker receptors.

Response to Comment G-63-3. None of the comments apply to the EIR analysis or conclusions, but are personal observations about the project and project review process. The DEIR concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

⁵¹ The methods applied were the CalEEMod land use emission model and the ARB EMFAC2014 mobile source emission model

Letter G-64: Rosamonde Cook (April 8, 2013)

Comments on World Logistics Center Draft Environmental Impact Statement

April 8, 2013

Regarding: Habitat Assessment, MSHCP Consistency Analysis and HANS Review,
Section 5.2.8 Biological Compliance Issues Not Covered by MSHCP and data summarized in
Tables 2 and 3 of that section.

Much of this information in this section is inaccurate. The authors used data from the California Natural Diversity Database (CNDDDB) only. This database is a valuable repository for local occurrence records of rare and endangered species. However, it does not include all of the data available for the species it covers. Furthermore, there is frequently a backlog of data that remains to be entered in the database at any given point in time. The backlog can span multiple years. The Biological Monitoring Program (BMP) of the Western Riverside Multi-Species Habitat Conservation Plan (MSHCP) conducts inventory and monitoring surveys of 146 plant and animal species covered by the Plan. With few exceptions, BMP surveys are conducted only within lands currently in conservation. Results are available in the form of annual reports which are posted every year on the Riverside Conservation Authority's (RCA) website and available to the public. Data are available by request to the Monitoring Program and the State of California's Biological Information System (BIOS) database.

1

To the best of my knowledge, BMP data were never requested by Michael Brandman Associates nor any other party involved in preparation of the DEIR. These data are far more complete and up-to-date compared with what is represented in the Habitat Assessment. As a result, the DEIR represents an inaccurate assessment of the distribution and frequency of occurrence of the plant and animal species covered in Section 5.2.8 with respect to the proposed boundaries of the World Logistics Center. The historic frequency of occurrences described, and the distance of observations from the proposed WLC boundaries require revision based on BMP data. In particular, I am greatly concerned that many of the species considered in this section have numerous records of occurrence much closer to the proposed boundaries than indicated in Tables 2 and 3 which suggest 1) that their probability of occurrence within the proposed boundaries of the WLC may be higher than represented in the DEIR and 2) that the impact of the WLC may be much greater on these species than indicated. I believe this analysis should necessitate re-consideration of the potential impacts through the Urban/Wildlands interface on these species.

2

Below I contrast the data in Tables 2 and 3 of Section 5.2.8 with data collected by the BMP from 2005 to 2012 and stored in the MSHCP database. I include only species for which there is a discrepancy. Each record of occurrence noted represents a unique location where an observation has been made.

Plants

Atriplex coronatum var. *notatior* – The MSHCP database has the closest record of occurrence at 1.56 miles south of the nearest proposed WLC boundary. Data in Table 2 has it at 2.5 miles southeast.

3

Brodiaea filifolia – MSHCP database has the closest record of occurrence at 3.73 miles due south. Data in Table 2 has it at 5 miles south.

4

Centromadia pungens ssp. *laevis* – The MSHCP database has the closest record of occurrence at 2.37 miles due south. Data in Table 2 has it at 3 miles south.

5

Lasthenia glabrata ssp. *coulteri* – The MSHCP database has the closest records of occurrence at 0.72, 1.32 miles due south and southeast, respectively, and there are 13 records of occurrence within 2 miles of the proposed WLC boundaries. (Data in Table 2 has it at 2 miles south)

6

Animals

Amphispiza belli belli – The MSHCP database has the closest record of occurrence at 4.34 miles due south. Data in Table 3 has it at 4 miles northwest. The species is apparently more widespread within the vicinity of the WLC than indicated.

7

Polioptila californica californica – The MSHCP database has closest records of occurrence at 0.28 and 0.35 miles due south of the proposed WLC boundary. Table 3 has this species closest occurrence at 4 Miles northeast.

8

Buteo regalis – The MSHCP has 45 records within 2.0 miles of the closest WLC boundary, mostly to the due south. Three observations are within the proposed boundaries. Table 3 gives the closest occurrence at approximately 1 mile northeast of the study area.

9

Vireo bellii pusillus – The MSHCP has 3 records within 2.0 miles of the closest WLC boundary. Table 3 lists its closest occurrence at 3 miles.

10

Lanius ludovicianus - The MSHCP has 13 records of occurrence within 1.0 miles of the nearest proposed WLC boundary and 115 records within 2.0 miles. Table 3 states that it has been observed within the study area.

11

Perognathus longimembris brevinasus – The MSHCP database has closest records of occurrence at 1.8 and 1.92 miles south of the closest proposed WLC boundary and 16 observations within 2.0 miles. Table 3 states that the closest observation is 3 miles south of the study area.

12

Falco columbarius - The MSHCP database has closest records of occurrence at 0.58 and 0.72 miles due south of the proposed boundaries of the WLC, and 15 observations within 2.0 miles. Table 3 states no observations on record within 7 miles of the study area.

13

Crotalus rubber rubber – The MSHCP database has closest records of occurrence at 0.89, 0.97, and 1.06 miles due south and seven observations within 2.0 miles. Table 3 claims only one observation 1.0 mile south and that was 80 years ago.

14

Chaetodipus fallax fallax – The MSHCP database has the closest record of occurrence at 0.70 miles of the nearest proposed WLC boundary and 233 observations within 2.0 miles. Table 3 stated the closest occurrence in 1.0 mile north and south.

15

Falco peregrinus anatum – The MSHCP database has the closest records of occurrence at 0.80, 0.86, 0.94, and 0.95 miles due south, and a total of 12 observations within 2.0 miles of the nearest WLC boundary. Table 3 states no occurrences within 7.0 miles of the study site.

16

Lepus californicus bennettii – The MSHCP database has the closest records of occurrence at 0.83 and 1.29 miles due south of the nearest boundary of the proposed WLC site, and 7 observations within 2.0 miles. Table 3 states the closest observation at 7.0 miles east of the study area.

17

Aimophila ruficeps canescens – The MSHCP database has the closest records of occurrence at 0.28, 0.31, and 0.46 miles of the nearest proposed WLC boundary, and 41 observations within 2.0 miles of it. Table 3 has the closest observation at 4 miles west of the study area.

18

Agelaius tricolor – The MSHCP database has the closest records of occurrence at 0.4 and 0.83 miles due south, and 7 observations within 2.0 miles of the closest proposed WLC boundary. Some of these observations were of foraging birds. Nesting colonies have been established as close as 1.28 miles south of the nearest proposed WLC boundary with others at 1.28, 2.01, 2.15, 2.88 and 3.12 miles south. All are within the current boundaries of the San Jacinto Wildlife Area. Table 3 states that there is no suitable nesting vegetation remaining within the study area. However, it fails to recognize the critical importance of off-nesting site foraging habitat for this species. Foraging for the purpose of provisioning nestlings is known to occur up to 5 miles from the nest site (Beedy and Hamilton 1999). The study area does support sufficient foraging habitat during years when insect production is high (Biological Monitoring Program 2011).

19

Spea hammondi – The MSHCP Database has the closest record of occurrence at 0.68 miles due south of the nearest proposed WLC boundary. Table 3 states that the closest occurrence in 2.0 miles south and west.

20

Plegadis chihi – The MSHCP database has 8 records of occurrence within 1.0 miles of the nearest proposed boundary of the WLC and 40 within 2.0 miles. Table 3 states the closest occurrence at 3.0 miles.

21

Elanus leucurus – The MSHCP database has 6 records of occurrence within 1.0 miles of the nearest proposed boundary of the WLC, and 64 within 2.0 miles. Table 3 states no records of occurrence within 7.0 miles.

22

The San Jacinto Valley is recognized by the Audubon Society as a Globally Important Bird Area, in large part because of the large diversity and abundance of raptors that over-winter in the area. Many species depend on the resources of the San Jacinto Wildlife Area and surrounding agriculture fields; many have been observed numerous times in the San Jacinto Wildlife Area just to the south of the proposed boundary of the WLC. The DEIR fails to recognize the importance of this area for over-wintering raptors. Information in Table 3 fails to represent both the local occurrence of several species as well as the sheer numbers of observations made within the very near vicinity of the WLC study site. Of particular mention include *Elanus leucurus* (White-tailed kite), *Falco peregrinus anatum* (Peregrine falcon), and *Falco columbarius* (Merlin), all of which Table 3 lists as having a Low Potential to Occur. Although the MSHCP database has numerous records of occurrence for these species within 2.0 miles of study site, the DEIR reports no observations within 7.0 miles of it.

23

Table 3 also describes *Buteo regalis* (Ferruginous hawk) as a Low Potential to Occur, and states that the study area “contains open flat area that is considered marginally suitable foraging habitat, but not suitable nesting habitat.” MSHCP database records include 45 observations of this species within 2.0 miles of the proposed WLC boundary, and several observations inside it. Most of these observations were made during the winter, non-breeding season.

24

It is unclear whether any surveys conducted for raptors by Michael Brandman Associates occurred during the spring/early summer nesting period or in the fall/winter months when most species are present in the San Jacinto Valley. Regardless, it is clear that the lack of nesting substrate is not especially relevant to a species that uses the San Jacinto Valley primarily as over-wintering habitat.

25

Other species with a substantially higher probability of occurrence within the study site than suggested by the DEIR include *Lepus californicus bennettii* (San Diego jack-tailed jackrabbit) and *Crotalus ruber ruber* (Northern red-diamond rattlesnake). Table 3 states no occurrence of either species within 7.0 miles of the proposed WCL site, while the MSHCP database contains numerous observations.

26

Other species that occur at higher frequencies in the near vicinity of the proposed WCL site than suggested by the DEIR include *Athene cunicularia* (Burrowing Owl) and *Dipodomys stephensi* (Stephen’s kangaroo rat). In total, the MSHCP database contains 18 records of occurrence of Burrowing Owl within 2.0 miles of the nearest proposed WLC boundary. Table 3 categorizes this species as a high probability of occurrence but that “focused surveys conducted in 2010 and 2012 found the study area and surroundings to be unoccupied.” By contrast, the MSHCP database has two records of occurrence within 2.0 miles in 2011, one in 2012 and one in 2010.

27

Table 3 describes Stephens kangaroo rat as Moderate Potential to Occur, and states that “the study area contains areas similar to grasslands with very sparse canopy, but is heavily disturbed. Recorded approximately adjacent to the general study area on the west and south.” The MSHCP contains 239 recorded observations within 2.0 miles of the WLC study site and show a steady rate of occupancy during the years surveyed (2006, 2007, 2010, 2011).

28

To reiterate, I believe the analysis above necessitates re-consideration of the potential impacts on these species by both the loss of habitat caused by development of the site as a WLC, but also the

impacts to species inhabiting the San Jacinto Wildlife Area and in close vicinity to the proposed boundaries of the WLC. At the least, a sufficient and effective buffer area should be created beyond the 1,086 acres of California Department of Fish and Wildlife lands and the San Diego Gas and Electric property, as these lands belong to those agencies and support foraging habitat for species including Ferruginous hawk, Merlin, Loggerhead Shrike, and White-face Ibis, all of which have been observed on these properties (MSHCP database).

Placing the largest logistics center in the country next to some of the most important wildlife habitat in Riverside County (one of only two Type A CDFW Wildlife Areas in southern California is, in my opinion, a grave mistake. Not only is this area of great importance to raptors but it is the largest staging area for waterfowl north of the California/Mexico border and a bird watching destination for thousands of people each year. I urge you to retain the original zoning and land use plans for this area as exist in the Moreno Valley General Plan. This would have much less of an impact on the wildlife area and all of the species that depend on it as well as the open space and foraging habitat around it.

References

- Beedy EC, Hamilton WJ III. 1999. Tricolored Blackbird (*Agelaius tricolor*). In Poole A, Gill F, editors. The Birds of North America No. 611. The Birds of North America, Inc. Philadelphia, PA. Available online at: <http://bna.birds.cornell.edu/bna/species/423>.
- Biological Monitoring Program. 2011. Western Riverside County MSHCP Biological Monitoring Program Tricolored Blackbird (*Agelaius tricolor*) Survey Report, 2011. Report prepared for the Western Riverside County Multiple Species Habitat Conservation Plan. Riverside, CA. Available online at: <http://www.wrc-rca.org/library.asp>.

Sincerely,

Rosamonde Cook
Biological Monitoring Program
Western Riverside Multi-Species Habitat Conservation Plan
4500 Glenwood Drive, Bldg C
Riverside, CA 92501
Ph: 951-320-2168

These statements reflect my own opinion, and not necessarily those of the Biological Monitoring Program.

RESPONSES TO LETTER G-64

Rosamonde Cook

Response to Comment G-64-1. While the California Natural Diversity Data Base (CNDDDB) does not always supply the most accurate data available and that there is a lag with regard to entering the data into the database. On-site Biological resource surveys have been conducted for over eight years. The weaknesses of the CNDDDB data was not considered a hindrance to identifying species that actually occurred within the project site.

Resource Conservation Authority (RCA) staff was contacted to obtain the most recent species occurrence data for the area around Mystic Lake, which also included the World Logistics Center Specific Plan (WLCSP). In addition, the California Native Plant Society Electronic Inventory was also queried to obtain a more comprehensive list of sensitive plant and wildlife species recorded within the vicinity of the WLCSP. This information was all included in the Draft Habitat Assessment and (Western Riverside County) Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis (FCS-MBA 2013) (hereafter MSHCP Consistency Analysis). The data from the BMP should have been included in updates to the CNDDDB by either the California Department of Fish and Wildlife (CDFW) and/or RCA.

Response to Comment G-64-2. In June 2013, Michael Brandman Associates Senior Biologist Scott Crawford contacted Laurie Correa at the RCA to obtain Geographic Information Systems (GIS) information on the Biological Monitoring Program. This was after consultation in the RCA Annual Reports for various species monitored under the Best Management Practice (BMP) that could potentially occur within the study area.

No BMP surveys occurred directly within the WLCSP as these lands are privately held. Adjacent areas associated with the San Jacinto Wildlife Area and the Lake Perris State Recreation Area were included in the BMP survey areas for the various species.

In June 2013, the MSHCP Consistency Analysis (FCS-MBA 2013) was updated to include information from the 2013 survey season. Fieldwork was conducted for both burrowing owl and Los Angeles pocket mouse within the WLCSP and areas with proposed offsite facilities. An additional survey buffer of 500 feet was also included in compliance with recommendations for burrowing owl as provided by RCA. Surveys for sensitive plants were not conducted in 2013 due to limited rainfall for the season. There was a discussion with both RCA and CDFW with regard for the viability of sensitive plant surveys in 2013. The DEIR adequately represented species that have the potential to occur in the project area and accurately characterized what was found on the WLCSP. These data were not from a single year from over eight years of examination.

The GIS data for the BMP surveys has been incorporated into the 2013 MSHCP Consistency Analysis report with appropriate adjustments to Tables 3 and 4. The potential for occurrence of sensitive species within the WLCSP area is no higher than represented in the DEIR. Impact of the WLCSP on sensitive species is no greater than that indicated in the DEIR. While the BMP data may be more comprehensive, in most instances the 2012 report did indicate that the species were in the vicinity, in some instances at the same distance and in others much closer to the WLCSP. Due to space limitations, the tables do not provide information on every sighting of a species and generally, only whole numbers were given. Both Tables 2 and 3 also include a category on suitable habitat. That category, combined with location data, were used by the project biologist in determining the potential for the species to occur within the WLCSP.

Response to Comments G-64-3 through G-64-22. The GIS data for the BMP surveys has been incorporated into the MSHCP Consistency Analysis (FCS-MBA 2013) with appropriate adjustments to Tables 3 and 4. While the BMP data may be more comprehensive, in most instances the 2012 report

did indicate that the species were in the vicinity, in some instances at the same distance and in others much closer to the WLCSP. Tables 3 and 4 do not provide information on every sighting of a species, as this information could quickly become redundant. Generally, only whole mile numbers were given for sightings. Both Tables 3 and 4 also include a category on suitable habitat. That category, combined with location data, provide the assessment on the potential for the species to occur within the WLCSP.

Understanding that not all available data is entered into the CNDDDB and BMP database, the City must make assumptions that species identified within 3 miles of the project site have a much higher potential to occur than those that are recorded to occur beyond a 3-mile radius. In determining the potential for a species occurrence within the WLCSP, there is no difference if a species was observed 0.5 miles or 3.0 miles from the project site, all of these species are regarded as being observed within the vicinity of the project site. As indicated in Tables 3 and 4 of the MSHCP Consistency Analysis (FCS-MBA 2013), the following criteria were used to determine potential for occurrence.

Not Likely to Occur - There are no present or historical records of the species occurring on or in the immediate vicinity (within 3 miles) of the WLCSP and the diagnostic habitats strongly associated with the species do not occur on or in the immediate vicinity of the site.

Low Potential to Occur - There is a historical record of the species in the vicinity of the WLCSP and potentially suitable habitat onsite, but existing conditions (e.g., density of cover, prevalence of non-native species, evidence of disturbance, limited habitat area, isolation) substantially reduce the possibility that the species may occur. The site is above or below the recognized elevation limits for this species.

Moderate Potential to Occur - The diagnostic habitats associated with the species occur on or in the immediate vicinity of the WLCSP, but there is not a recorded occurrence of the species within the immediate vicinity (within three miles). Some species that contain extremely limited distributions may be considered moderate, even if there is a recorded occurrence in the immediate vicinity.

High Potential to Occur - There is both suitable habitat associated with the species and a historical record of the species on or in the immediate vicinity of the WLCSP (within 3 miles).

Species Present - The species was observed in the WLCSP at the time of the survey or during a previous biological survey.

Response to Comment G-64-23. Specific surveys for raptors were not conducted, however, every observation in the field during all of the surveys conducted from 2005 through 2013 have been documented. These surveys were generally conducted in late winter through midsummer and not during the overwintering period (which is typically from November to February). The goal of the studies was to provide general biological information on the project site with a focus on sensitive species. Since the fields of the WLCSP were generally plowed in late summer/early fall thereby removing most burrows for small mammals and then covered in dryland grain crops throughout winter and into late spring, the area was not a prime area for raptors and thus wintering surveys were not conducted. The lack of survey data for overwintering species is not a significant issue since the project site contains low-quality habitat and a small prey-based based. Many sensitive raptor species occur within the vicinity of the WLCSP during the winter, based on data obtained from CDFW and RCA in 2013. The project biologist agrees that many off-site areas near the WLCSP provide high quality foraging habitat that contain both diverse vegetative cover and a large prey base, which are necessary components for significant raptor foraging habitat.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table 4 of the MSHCP Consistency Analysis (FCS-MBA 2013) has been corrected to list white-tailed kite as present. It was observed foraging near the San Jacinto Wildlife Area (SJWA) during the 2013 surveys. There are no potential nesting sites.

While the distance listings for peregrine falcon, merlin and ferruginous hawk may not reflect the closest recorded occurrences, the fact remains that the continually plowed fields of the WLCSP and the immediately adjacent CDFW Conservation Buffer Area provide a marginal prey base for foraging raptors. As stated on pages 74-75, the foraging habitat within the WLCSP is marginal due to repeated agricultural disturbances. The SJWA, Lake Perris State Recreation Area (LPSRA) and the Badlands to the south, west and east respectively, provide ample foraging habitat for the limited number of raptors that appear to occupy the area. The WLCSP is not affecting any areas slated for conservation under the MSHCP and all of the sensitive raptor species that potentially occur within the WLCSP are amply covered species under the MSHCP. Although it is not anticipated that the loss of low-quality foraging habitat will result in a significant impact with regard to the loss of raptor foraging habitat, the white-tailed kite and golden eagle are both California fully protected species and any impact associated with these species is considered significant. Mitigation for impacts associated with these species is through payment of the MSHCP Development Fee. These fees may be used to purchase off-site land within a core conservation area, which is required for the long-term conservation of raptor foraging habitat.

Response To Comment G-64-24. Based on the revised DEIR and the MSHCP Consistency Analysis (FCS-MBA 2013), the loss of marginal quality foraging habitat is a potentially significant impact requiring mitigation. Although we do not discount the findings the McCrary et al and the Beckman et al reports, the WLCSP is dominated by routinely disked agricultural fields that are dry-land farmed and rely on natural rainfall for irrigation. This type of habitat does not provide moderate to high quality foraging habitat for ferruginous hawk. The majority of the suitable foraging habitat in the vicinity of the WLCSP includes artificially irrigated alfalfa fields, and dairy farms. Due to the close proximity of the SJWA, which contains moderate to high quality raptor foraging habitat, impacts to the WLCSP may be considered potentially significant and will require mitigation to off-set potentially significant impacts. Based on Development Mitigation Fees associated with the MSHCP, approximately 2610 acres of commercial development will generate approximately \$14 million in fees. These fees will be used to purchase land to contribute to the core conservation areas established under the MSHCP. This land will be used to compensate for the loss of marginal quality raptor foraging habitat.

Response To Comment G-64-25. Specific surveys for raptors were not conducted, however, every observation in the field during all of the surveys conducted from 2005 through 2013 have been documented. These surveys were generally conducted in late winter through mid-summer and not during the overwintering period. We did not feel that winter surveys were necessary due to the poor condition of the foraging habitat within the WLCSP. As stated on pages 74-75, the foraging habitat within the WLCSP is marginal due to repeated agricultural disturbances. The SJWA, LPSRA and the Badlands to the south, west and east respectively, provide ample high-quality foraging habitat for the raptors that appear to occupy the area. The WLCSP is not impacting any areas slated for conservation under the MSHCP and all of the raptor species will maintain high-quality foraging areas within the Core H and Proposed Core 3 as protected under the MSHCP.

Response To Comment G-64-26. The MSHCP Consistency Analysis (FCS-MBA 2013) Table 3 has been revised to include the presence of the San Diego black-tailed jackrabbit. It was observed during the 2013 field surveys. Northern red diamond rattlesnake while potentially present in suitable habitat in the region and present within the survey areas associated with the BMP are not found in the primarily disturbed agricultural areas associated with the WLCSP. Again both species are covered under the MSHCP and take authorization is provided in the Implementing Agreement. Mitigation for the loss of habitat is through payment of the Development Fees as established in the MSHCP in Section 8.5.1. The original MSHCP was prepared with a proposed a \$4,800/acre development fee for commercial development. Due to the change in the economic market, the development fee has also

changed and is currently \$6,597 per acre. The development fee will be calculated at the time of the project-specific-development based on the most up-to-date fee schedule.

Response To Comment G-64-27. We acknowledge that burrowing owl are present within the WLCSP. Over the 8 years that surveys have been conducted, burrowing owls have been observed in 2005, 2008, 2012 and in 2013. Over the 2,610-acre WLCSP survey area, no more than one nesting pair has ever been recorded during any single survey season. We do not deny that owls have been found within 2 miles of the WLCSP lands, but the proof resides in the fact that the project site itself has limited occupancy of burrowing owls and a single pair does not trigger onsite habitat preservation efforts for owls. As the various developments of the Specific Plan are evaluated and approved, new surveys for burrowing owl will be required and any future nesting pairs will be protected under the MSHCP as appropriate. As discussed in Response G-4-2, the loss of foraging habitat is a potentially significant impact and mitigation is provided through the MSHCP by payment of fees.

Response To Comment G-64-28. Similarly, Stephens' kangaroo rat can be found adjacent to the WLCSP, but the agricultural nature of the site limits the potential for Stephens' kangaroo rat to occur within the WLCSP. The fact that it is present in the vicinity is not surprising as Core Areas for the species occur to the south, west and east as established by the Stephens' kangaroo rat HCP. Section 6.3 of the MSHCP Consistency Analysis (FCS-MBA 2013) document clearly spells out the procedures associated with Stephens' kangaroo rat outside of Core Areas. The project will comply with the HCP requirements and pay per acre mitigation fee. Table 4 of the revised MSHCP Consistency Analysis and HANS Review report was updated and lists the potential for SKR to occur within selective portions of the WLCSP as High. This does not change the required mitigation for development of the WLCSP.

Letter G-65: Ladona Jempson (email) (April 8, 2013)

From: LaDonna Jempson [<mailto:LJempson@flexsteel.com>]

Sent: Monday, April 08, 2013 5:00 PM

To: Mark Gross

Subject: Draft EIR World Logistics Center

Letter G-65

I wanted to comment on the DEIR.

This would be bad for Moreno Valley.

I work for a furniture manufacturer with 17 Class A drivers and over the road and

Daily trailer shipments full of product. It tears away the roads, increases traffic, and even with all the new regulations regarding idling in California and being CARB compliant, it adds to unhealthy air conditions for our community. Health issues specific to asthma and autism.

Listen to your community. Don't do this.

D. LaDonna Jempson

Human Resource Mgr.

Flexsteel Industries

7227 Central Avenue

Riverside, CA 92504

Direct Line-(951) 710-1823

Fax (951) 354-2316

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RESPONSES TO LETTER G-65

Ladona Jempson

Response to Comment G-65-1. The commenter states concerns over impacts of the World Logistics Center (WLC) project on the impact of air quality and traffic. These impacts were addressed in the Draft Environmental Impact Report (DEIR) Sections 4.3 and 4.15, respectively. The DEIR concluded that air quality and traffic impacts would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Letter G-66: Karyn Drennan (email) (April 8, 2013)

From: Karyn L. Drennen [<mailto:kdrennen@biomonitoringrca.org>]

Sent: Monday, April 08, 2013 5:23 PM

To: Planning Email

Subject: Draft EIR Response

Letter G-66

Comments on World Logistics Center (WLC) Draft Environmental Impact Statement

April 8, 2013

Karen L. Drennen

Plant Program Lead

Biological Monitoring Program

Western Riverside Multi-Species Habitat Conservation Plan

Specifically regarding the Habitat Assessment, MSHCP Consistency Analysis and HANS Review, it is my opinion that results of the surveys conducted by Michael Brandman Associates for the DEIR may under-represent the occurrence of the species surveyed within the WLC study area.

	Jepson	Jepson and BMP			BMP only		BMP partial month			
Sp Code	January	February	March	April	May	June	July	August	September	October
ALMU										
AMPU										
ACNO										
ATPA										
ASDA										
BRFI										
CPLA										
DUMU										
ERMA										
LGCO										
MYMI										
NAET										
NAFO										
ORCA										
TWWR										

Detectability ranges according to the Jepson manual and actual detections by the Biological Monitoring Program (BMP).

Jepson: Detectability range by month according to the Jepson manual
 Jepson and BMP: Jepson detectability period and observation by the BMP
 BMP only: Not within Jepson detectability period by observed by the BMP
 BMP partial month:

Key to Sp Codes:

ACNO- San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*)
 ALMU- Munz's onion (*Allium munzii*)
 AMPU- San Diego ambrosia (*Ambrosia pumila*)
 ASDA- Davidson's saltscall (*Atriplex serenana* var. *davidsonii*)
 ATPA- Parish's brittle-scale (*Atriplex parishii*)
 BRFI- Thread-leaved brodiaea (*Brodiaea filifolia*)
 CPLA- Smooth tarplant (*Centromadia pungens* ssp. *laevis*)
 DUMU- Many-stemmed dudleya (*Dudleya multicaulis*)
 ERMA- Round-leafed filaree (*California macrophylla*)
 LGCO- Coulter's goldfields (*Lasthenia glabrata* spp. *coulteri*)
 MYMI- Little mousetail (*Myosurus minimus* ssp. *apus*)
 NAFO- Spreading navarretia (*Navarretia fossalis*)
 NAST- Mud nama (*Nama stenocarpum*)
 ORCA_ California Orcutt grass (*Orcuttii californica*)
 TWWR- Wright's trichocoronis (*Trichocoronis wrightii*)

Dates of surveys for these species, according to Section 3.1 Survey Protocol pg. 10 were June 9, 10, 11, 16, 22, 23, and 24, 2010 (page 338).

The DEIR surveys were all conducted during June of 2010, which presents the following problems:

- The assumption is that species will always be identifiable in the full range of when it may be present, but this varies from year to year. If June is the beginning or tail end of a species' range, it may be long gone or not yet germinated.
- Early germinating species such as *Allium munzii* are usually not present at the same time as late germinating species such as *Centromadia pungens* ssp. *laevis*. Just because the potential ranges *appear* to overlap, does not mean they occur simultaneously. If weather conditions cause an early season, species will likely be present at the beginning of their respective ranges. Likewise, they may be present at the end of their ranges, or not at all, depending on conditions.
- Many of these species are particularly sensitive and have very specific germination requirements. They are not found every year. For example, *Trichocoronis wrightii* was not found by the Biological Monitoring Program until 2011, though surveys were repeatedly conducted in the same location beginning in 2005.
- Depending upon the weather conditions, the length of species presence can vary as well. Some species may only be detectable for a couple of weeks, if at all, in a dry year. 2010 was a relatively dry year.

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In conclusion, surveys conducted in one month of one dry year are insufficient to determine species presence. Results of the surveys conducted by Michael Brandman Associates for the DEIR may under-represent the occurrence of the species surveyed within the WLC study area.

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 Karyn L. Drennen
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 Western Riverside County MSHCP
 Biological Monitoring Program
 4500 Glenwood Drive, bldg C
 Riverside, CA 92501
 (951) 320-2168
kdrennen@biomonitoringrca.org

RESPONSES TO LETTER G-66

Karyn Drennan

Response to Comment G-66-1. According to Section 15125 of the California Environmental Quality Act (CEQA) Guidelines, "An Environmental Impact Report (EIR) must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives." The Notice of Preparation for the World Logistics Center (WLC) was February 21, 2012.

In support of the Draft Environmental Impact Report (DEIR), project biologists conducted biological resource field surveys for the World Logistics Center Specific Plan (WLCSP) and additional areas to characterize the biological resources present at the site and identify sensitive resources and communities that may be impacted by the proposed project. This assessment included a combination of California Natural Diversity Data Base (CNDDDB) searches to establish what species could be potentially in the area and an assessment of habitat suitability. Biological surveys were conducted between 2005 and 2013 to provide base-line information within the WLCSP with regard to habitat suitability (refer to Table B-3.A in Response to Comment Letter B-3 CDFW)). The focus was on sensitive habitats and any areas with the potential to support sensitive flora or fauna species. These data are on both the CNDDDB occurrences and information from the Biological monitoring Program of the MSHCP coupled with an assessment of habitat suitability are provided in Tables 4.4.B and 4.4.D of the DEIR for both plants and wildlife respectively.

In addition, project biologists conducted focused surveys for burrowing owl, Los Angeles pocket mouse, and a comprehensive sensitive plant survey. A delineation of jurisdictional waters and wetlands was also conducted. Table 1 in Response to Comment B-3-4 summarizes the survey dates, the type of survey, and FCS-MBA lead staff. Information on where the surveys were performed as the project evolved through time are presented in Exhibit 5 of the Draft Habitat Assessment and MSHCP Consistency Analysis (FCS-MBA 2013, FEIR Volume 3 Appendix E-1). In addition, project biologists contacted RCA staff to obtain recorded occurrence data for sensitive plant and wildlife species observed within and adjacent to the SJWA.

The DEIR identifies potentially significant impacts associated with the WLCSP and provides appropriate mitigation measures to reduce the impacts to levels that are less than significant with regard to sensitive biological resources. An updated Habitat Assessment and MSHCP Consistency Analysis (FCS-MBA 2013, FEIR Volume 3 Appendix E-1) was prepared to update existing conditions within the WLCSP area. The development of the WLCSP will potentially impact sensitive plants, nesting birds, six sensitive wildlife species (including burrowing owl) and jurisdictional drainage features. All feasible mitigation measures discussed in Section 4.4.6 of the DEIR will reduce project related impacts to a less than significant impact.

Prior to the approval of a Plot Plan for any development project, the project applicant shall submit a new biological analysis will be prepared by a qualified biologist to document the current existing conditions at a project-specific level. Mitigation measure will vary from project to project based on the sensitive biological resources that are located within a specific project area. The mitigation measures shall be implemented to the satisfaction of the City Planning Division prior to issuance of a grading permit.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-66-2. Thank you for the information on the ranges of sensitive flowering plants that occur within the MSHCP. These data were taken into consideration on the timing of the sensitive plant surveys in June 2010.

Response to Comment G-66-3. Focused plant surveys were conducted for those species that were determined to have a moderate to low potential to occur within the project site. Although all plant species were considered during the plant survey in 2010, the surveys were conducted during the optimal flowering period for those species that had potential to occur within the project site. At the time, no sensitive plant species were identified. Surveys were not conducted in 2012 or 2013 due to a lack of sufficient rainfall.

Since this is a program-level document and individual projects within the specific plan will be subjected to additional surveys on the specific areas, the potentials for sensitive plants within each of these individual projects can be evaluated and if appropriate surveys for specific sensitive plant species within these areas can be completed before final siting approvals are given. MM 4.4.6.2B will be required to document the presence/absence of sensitive plant species on a project-by-project basis.

If any of the sensitive plant species that potentially occur within the project site including Thread-leaved brodiaea, smooth tarplant, Coulter's goldfields, and slender-horned spineflower, Parry's spineflower, Plummer's mariposa lily, and Robinson's peppergrass 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-leaved brodiaea, smooth tarplant, Coulter's goldfields, Parry's spineflower, 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 (CNPS 4.2) and Parry's spineflower (CNPS 1B.1) are conditionally covered species under the MSHCP. These species will become completely 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, then 90% of the occupied habitat must be avoided until the conservation goal is met. If the 90% cannot be avoided, then a Determination of a Biologically Equivalent or Superior Preservation (DBESP) for impacts to Plummer's mariposa lily will be required.

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 Act. If these species are identified within a project site during project-specific focused plant surveys, then an assessment must be conducted to determine the significance of the population that is found. 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 are observed with a project site, and the removal of those plants will likely cause the population to fall below a self-sustaining level, then avoid, minimization, and mitigation measures will be required. The preferred method of mitigation is to redesign the proposed project and 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) or other appropriate conservation organizations to offset for the loss of these species on the WLC project site. A third option is to relocate these plants to the proposed buffer area and placed into conservation. A plant relocation plan will be required prior to relocation. The CDFW does not recommend this option, since it is

extremely hard to relocate sensitive plant species and maintain a viable population, but is included as an option.

Response to Comment G-66-4. Focused plant surveys are often difficult to schedule in the arid southwest that often has multiple years of drought conditions. Due to the disturbed nature of the WLCSP, it is highly unlikely that sensitive plant species occur within the actively disked agricultural lands. The majority of the suitable habitat areas are contained in undeveloped areas. The project biologist agrees that weather conditions have a significant effect on acceptable survey results although conducting current focused plant surveys was not feasible, the proposed avoidance, minimization, and MM 4.4.6.2A would reduce the impacts to sensitive plant species to a less than significant level. Focused plant surveys will be required during the environmental review process on a project-by-project basis within suitable habitat areas and is included in that measure.

Letter G-67: Michael Eberhard (April 8, 2013)

April 8, 2013

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terell,

I own property adjacent to the San Jacinto Wildlife Area in the San Jacinto Valley; I visit the San Jacinto Wildlife Area frequently and appreciate the sanctuary it provides to a broad spectrum of wildlife.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is factually incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

1

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

▲ 1

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

2

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California and the county of Riverside. There are alternative locations that would achieve the employment benefits desired without damaging forever a unique wildlife area. I urge you to explore alternative sites for your expansion plans. The San Jacinto Wildlife Area is a unique treasure that needs to be protected and preserved. The development plans proposed would compromise this unique area.

3

Yours truly,

Michael Eberhard

MikeEberhard@me.com

310-809-8253

RESPONSES TO LETTER G-67

Michael Eberhard

Response to Comment G-67-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-67-2. The Draft Environmental Impact Report (DEIR) Section 4.1.2.2 *City of Moreno Valley Municipal Code* notes that Section 9.08.100 of the code requires non-residential lighting to be fully shielded and directed away from surrounding residential uses. It also restricts non-residential lighting to not exceed 20 feet⁵² in pole height or 0.25 foot-candles of light measured from within five feet of any residential property line. It should also be noted that since the Specific Plan and DEIR Mitigation Measure (MM) 4.1.6.1A both require a minimum 250-foot setback from residential properties, no WLC project light poles will be within located 100 feet of any existing residences.

In addition, the World Logistics Center Specific Plan (WLCSP) Section 5.5.2 *General On-Site Lighting Parameters* requires all exterior on-site lighting to be shielded and confined within the site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent lots, this includes wall mounted lighting. The WLCSP does limit the light poles to a maximum of 25 feet in height and both pole and wall mounted lighting must use cut-off fixtures.

While the WLCSP contains lighting guidelines for future development, ambient light level impacts will need to be calculated and reviewed for conformance with the DEIR mitigation measures and WLCSP, through the City's site plan review process for each specific building proposed.

Section 4.15 of the DEIR examines the traffic-related impacts of the WLC project. The EIR concluded that traffic impacts of the project would be significant even with implementation of recommended mitigation, largely because many of the improvements that would be needed to achieve level of service standards are located in other jurisdictions (including Caltrans) and are not under the control of the lead agency.

Section 4.3 of the DEIR, its supporting technical studies, the revised technical air study (FEIR Volume 2 Appendix D-1), and the revised DEIR section (FEIR Volume 2) all provide very detailed information on air pollutant impacts including health risks from diesel truck emissions. The EIR concludes that air quality impacts of the WLC project are significant, even with implementation of the recommended mitigation.

The City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts (e.g., traffic, air quality, etc.).

The commenter also expresses concerns regarding the effects of diesel pollution and light pollution on the wildlife areas with which the state partners in its conservation easement program. The WLCSP provides for a number of project design features to address potential impacts to the San Jacinto Wildlife Area (SJWA) as discussed in Section 4.4.6.1 of the DEIR. A number of these features would also serve to reduce air pollutant levels that would be transported from the project to the SJWA. These features would include enhanced landscape features, restrictions on lighting, a 250-foot setback from the southern-most property line along the SJWA boundary. There is, however, no

⁵² Specific Plan Section 5.5.3.1 indicates parking lot light poles at 20 feet and driveway poles at 25 feet most likely to prevent conflicts with trucks turning into parking areas.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

accepted approach to measure or assess the impact of diesel emissions on wildlife. As a result, any discussion of impacts would be speculative.

Response to Comment G-67-3. The commenter states,

“This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California and the county of Riverside. There are alternative locations that would achieve the employment benefits desired without damaging forever a unique wildlife area. I urge you to explore alternative sites for your expansion plans. The San Jacinto Wildlife Area is a unique treasure that needs to be protected and preserved. The development plans proposed would compromise this unique area.”

According to Section 6.3.9 of the DEIR: This alternative examines different sites in the surrounding region to determine if an alternative location would reduce or eliminate one or more significant impacts of the project. This analysis must be based on feasible sites that could realistically support the proposed project (i.e., a contiguous 2,635-acre site for 41 million square feet of high-cube logistics warehouse uses as envisioned by the WLCSP). The surrounding jurisdictions were contacted to identify potential alternative sites for the proposed project. Figure 6.1 shows the locations of the various jurisdictions that were contacted and/or analyzed in this evaluation and Table 6.R presents the results of that analysis.

Table 6.R indicates that there are no feasible alternative sites in the surrounding or nearby jurisdictions that could support the proposed project (i.e., that have enough vacant land zoned or available for logistics warehousing with good freeway and/or rail access). Therefore, none of these sites will be evaluated further.

Letter G-68: Craig and Joan Givens (email) (April 9, 2013)

From: craiggenesis@cs.com [<mailto:craiggenesis@cs.com>]

Sent: Tuesday, April 09, 2013 7:38 AM

To: markg@moval.org.

Subject: World Logistics Center Project

Letter G-68

To: Mark Gross

marg@moval.org

From: Craig R. Givens and Joan Givens

26961 Cimarron Canyon Drive

Moreno Valley 92555

I am against the World Logistics Center Project in our city. This project will have adverse health effects from the diesel particulate pollution caused by the trucks that will be coming from the 41 million square feet of warehousing project. The beautiful majestic mountains that surround our city will keep the pollution trapped here.

1

I moved to Moreno Valley in 2001. I was told by my fellow citizens that the far south eastside of the city near Mystic Lake would have a housing development called Moreno Valley Highlands according to the General Plan. I love the scenic beauty of this part of Moreno Valley. It appears that the World Logistics Center Project incompatible with the current general plan. I would not have bought a home in this part of Moreno Valley had

known the general plan was going to be changed without having a new general plan. How does the city plan to promote a sense of pride in the community when the people feel they have been deceived? How are the residents going to fill a sense of community when they know the city's plans are for warehouses.

2

Furthermore if the city was concerned about the welfare of its citizens and their quality, it would have developed the appropriate infrastructure (rail and airport) to accommodate the large volume of goods that would need to be moved to and from the warehouse complexes. Rail development through the canyon would have mitigate the pollution and traffic that the trucks will cause. The narrow 60 freeway cannot accommodate the commuter traffic that goes through this area every day. There are times in the day that you can walk on top of the cars because they have come to a complete stop. Trucks will make this freeway a death trap.

3

Also, the promises of jobs are false. The developer has been in the city since 1985 – 1987 time period. He had promised 30, 000 to 50,000 jobs from Moreno International Trade Center, a project that include a 10, 000 foot runway. This project did not happen. In addition, the previous project from this developer which is Sketchers promised 2500 jobs, but the building was only designed for 300 because it is so modern and electronically advanced. How can the City or the developer properly estimate the number of jobs? How can the residents trust the City or the developer when they continue to falsify employment numbers?

4

RESPONSES TO LETTER G-68

Craig and Joan Givens

Response to Comment G-68-1. The many potential environmental impacts of the proposed WLC project are fully evaluated in the Draft Environmental Impact Report (DEIR), including impacts to air quality from diesel pollution and substantial changes in views and land use on the site and for surrounding neighbors and neighborhoods. The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project

Response to Comment G-68-2. The proposed World Logistics Center (WLC) project includes a General Plan Amendment (GPA) that identifies those portions of the City's General Plan that will be revised if the WLC project is approved, and that GPA was evaluated in appropriate sections of the EIR (e.g., 4.10, *Land Use and Planning*). The City Council will consider all stated opinions and comments on the project and Environmental Impact Report (EIR) prior to making any decisions regarding the proposed WLC project.

Response to Comment G-68-3. The provision of a rail service to the project site has been studied to determine if it is an alternative which will reduce the number of trucks driving between ports and the site, and therefore reduce the number of significant impacts (Section 4.F of the Traffic Impact Assessment (TIA) appendix L). However, it has been determined that this alternative is not a viable option due to the following reasons. The WLC site is not currently served by rail and would need to be aligned to an existing branch. All possible alignments would cause impacts equal or greater than the projected truck traffic. It was also determined that for a rail service to be economical 50 percent of all shipments must be shipped 500 miles or greater on rail. Shipments to the WLC would only be travelling from the ports of Los Angeles and Long Beach, a distance of about 70 miles. Additionally, the existing rail system is already at or near maximum capacity. Therefore, shifting cargo from trucks on freeways to rail would transfer the congestion problem from stressed freeway systems to stressed rail networks. Finally, the reduction in truck traffic to the WLC is projected to be between 2 and 7 percent. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-68-4. The comment states, *"Also, the promises of jobs are false. The developer has been in the city since 1985 – 1987 time period. He had promised 30, 000 to 50,000 jobs from Moreno International Trade Center, a project that include a 10, 000 foot runway. This project did not happen. In addition, the previous project from this developer which is Skechers promised 2500 jobs, but the building was only designed for 300 because it is so modern and electronically advanced. How can the City or the developer properly estimate the number of jobs? How can the residents trust the City or the developer when they continue to falsify employment numbers?"*

The comment does not raise an issue with the adequacy of the DEIR. No response is required. The City Council will consider all comments prior to taking any action on the project.

Employment projections for the WLC project are contained in a 2013 report entitled, "Fiscal and Economic Impact Study, WLC, Moreno Valley, California" prepared by David Taussig & Associates, Inc. (DTA). This report is provided in Appendix O of the DEIR. In this report, an estimate of 0.50 employees per 1,000 square feet of building square feet was used to project the number of employees that could be located at the WLC project. Based on a the proposed land uses and building areas, this would equate to approximately 20,808 employees. The 0.50 employees per 1,000 square feet factor was based on data supplied by the Southern California Association of Governments (SCAG), the National Association of Industrial and Office Parks, and the U.S. Energy Information Administration. These projections are discussed at length in the David Taussig and Associates, Inc.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

(DTA) report. Additional information regarding these employment projections can be found in the FEIR's responses to comment letter G-90, comments A-1 through A-4.

Letter G-69: Kathy Schmitt (April 9, 2013)

To John Terell, Community and Economic Development Department:

The following must be considered regarding the warehouse project:

1. Impact on highway 60 I- 1
2. Toxic pollution drifting into the San Jacinto Valley and wildlife conservation area I- 2
3. Light pollution of the San Jacinto Valley and wildlife conservation area I- 3
4. Growth inducement and its effect on water supply I- 4
5. The effects on each endangered species and overall impact to the wildlife area I- 5
6. How this project impacts the mid county project I- 6
7. How this project impacts Gilman Springs Rd. I- 7
8. How this project interfaces with the developers project with the city of Banning, i.e. the Iddo Benzeevi exclusive agreement (Press Enterprise, 26 March 2013). I- 8
9. All areas within 50 miles of this project must be considered regarding the impacts on climate, growth and quality of life issues of this warehouse project. I- 9

Richard L. Schmitt

Kathy Schmitt

RESPONSES TO LETTER G-69

Kathy Schmitt (April 9, 2013)

Response to Comment G-69-1. The commenter is concerned about traffic on SR-60. The original and revised traffic impact assessments (TIAs) for the World Logistics Center (WLC) project both provided extensive discussion and analysis of potential impacts on SR-60 under various development scenarios (buildout plus baseline in 2012, Phase 1 plus baseline in 2022, buildout plus future baseline in 2030, and buildout in 2035).

Response to Comment G-69-2. The commenter is concerned about air pollution impacts on the San Jacinto Wildlife Area (SJWA). The issue of direct and indirect air quality impacts on the SJWA was evaluated in Section 4.4.6.1, *Biological Resources – Endangered Species*, in the Draft Environmental Impact Report (DEIR). It determined that project emissions with the proposed development and building setbacks and with recommended mitigation would have less than significant impacts on the resources of the SJWA.

Response to Comment G-69-3. The commenter is concerned about light pollution impacts on the San Jacinto Wildlife Area (SJWA). The issue of direct and indirect lighting impacts on the SJWA was evaluated in Section 4.4.6.1, *Biological Resources – Endangered Species*, in the Draft EIR. It determined that project lighting with the proposed development and building setbacks and with recommended mitigation would have less than significant impacts on the resources of the SJWA.

Response to Comment G-69-4. The commenter expressed concern about growth inducement and its effect on water supply. The growth-inducing impacts of the WLC project are examined in DEIR Section 5.3, *Growth-Inducing Impacts*, including water supply. Other water supply-related issues are addressed in DEIR Sections 4.9, *Hydrology and Water Quality*, and Section 4.16, *Utilities – Water*. DEIR Section 4.16.1.6.1, *Adequate Water Supply*, states ... “both the CH2M Hill figure of 450 AFY and the EMWD’s worst-case estimate of 1,991 AFY figure will be used relative to water consumption.” These two figures are relatively far apart based on the assumptions for onsite water use, with the higher Eastern Municipal Water District (EMWD) figure resulting from extremely “worst case” assumptions while the lower CH2M Hill figure resulting from more reasonable and feasible water consumption estimates. According to the Water Supply Assessment prepared by the Eastern Municipal Water District, it can accommodate over the next 20 years even under multiple drought-year conditions (refer to FEIR Volume 2 Appendices J and N).

Response to Comment G-69-5. The commenter expressed concern about impacts to endangered species. DEIR Section 4.4.6.1, *Biological Resources – Endangered Species*, examines potential project impacts to endangered species and determines that, with the recommended mitigation measures, WLC project impacts will be less than significant.

Response to Comment G-69-6. The commenter questioned what impacts the WLC project would have on the Mid-County Parkway (MCP) project. The MCP project was not included in the analysis because only one or two hundred daily trips, equivalent to 10 or 20 peak hour trips, would be added at buildout of the proposed project, well below the 50 peak hour trip study area criteria. By definition, impacts to roadway segments or intersections affected by less than the 50 peak hour trip study area criteria are considered less than significant because such changes will have an insignificant effect on roadway and intersection operations.

Response to Comment G-69-7. The commenter wondered what impacts the project would have on Gilman Springs Road. The widening of Gilman Springs Road from a two-lane road to a six-lane road is included in the Southern California Association of Governments (SCAG) Federal Transportation Improvement Program (FTIP) (Project ID RIV080908 for the segment between SR-60 and Alessandro

Boulevard and Project ID RIV080909 for the segment between Alessandro Boulevard and Bridge Street) and the FTIP shows full funding of both of the Gilman Springs Road segments will be obtained in fiscal year 2016/2017. For this reason, the Traffic Impact Assessment (TIA) included the widening of Gilman Springs Road from a two-lane road to a six-lane road in the Year 2035 circulation network assumptions. The TIA further determined that Gilman Springs Road would need to be widened from a six-lane road to an eight-lane road (the segment between Alessandro and Bridge Street) in Year 2035 with buildout of the proposed project. In addition, the TIA determined that Gilman Springs Road would need to be widened from a two-lane road to a four-lane road in Year 2022 with or without Phase 1 of the proposed project. At project build out in Year 2035, the WLC project is expected to contribute up to 6,421 trips per day to Gilman Springs Road which would be approximately 11.4 percent of its six-lane road design capacity.

Response to Comment G-69-8. The commenter expressed concern about how another development project in Banning proposed by the developer of the WLC project might affect the impact analysis of the WLC EIR. There is no relationship to the referenced project due to the City of Banning choosing not to pursue the project.

Response to Comment G-69-9. The commenter stated that the cumulative analysis for project impacts must extend out to 50 miles. There is typically no set distance for the analysis of cumulative impacts, the potential affected area or universe for cumulative impacts always depends on the size and type of project, its location relative to other development and land uses, and a variety of other factors. This is why the universe for each cumulative impact issue may be different (e.g., South Coast Air Basin for air quality impacts, western Riverside County for biological impacts, etc.). The universe for each cumulative impact issue was identified at the outset of the discussion for each environmental topic (DEIR Sections 4.1 through 4.16).

Letter G-70: Amora Johnson (email) (April 9, 2013)

From: amoraj@verizon.net
 Date: Apr 8, 2013 2:27:02 PM
 Subject: Official DEIR Comments for the World Logistic Center
 To: markg@moval.org

"Official DEIR Comments for the World Logistics Center"

I am opposed to this project because of Environment, Aesthetic, Safety, Health and Financial reasons.

It is incompatible with the current general plan which I read before I bought the property and built a house on it. The plan would be to sell the property as part of our portfolio for retirement funds. Having the warehouses built will impact the environment, too, for the California State wildlife sanctuary.

1

I would not have bought and built on it if I had known the general plan was going to be changed.

I oppose this project because it is not environmentally sound as what had happened with the study at the Mira Loma warehousing location – this will be worse as human beings and the wildlife area will both be affected.

2

To have the designation as a wildlife area, the State of California must have studied the area prior to all these proposed changes. With more pollution because of the diesel trucks' traffic as a result of the proposed warehouses, there won't be any more wildlife.

3

I oppose this project because the adverse health effects of diesel particulate pollution from 41 million square feet of warehousing trucks are not fully known. Research has just become available that has linked pollution during pregnancy to increased autism risk. The beautiful majestic mountains that surround our city keep pollution trapped here. Why hasn't an alternative site that is not surrounded by mountains been identified with a corresponding map?

4

I oppose this project because a 41 million square foot warehousing complex is not economically feasible without freight rail. Additionally the Lead Agency has not disclosed how many tax dollars that will be needed for this project. Without knowing that amount neither the public nor the Lead Agency can determine the economic feasibility. In a City that is threatening to turn off the streetlights because they are broke, how can the Lead Agency determine whether the infrastructure costs to the taxpayers are worth it if they aren't disclosed? How does the City propose to pay for infrastructure when they claim they can't afford to pay for streetlights?

5

How does this City intend to keep a positive community environment when they threaten to turn off public utilities needed for safety but propose to pay for developer required infrastructure?

5

I oppose this project because I don't think the employment numbers are correct. The previous project from this developer which is Sketchers promised 2500 jobs, but the building was only designed for 300 because it is so modern and electronically advanced. Warehouse electronics are just like computer technology, it's outdated almost as soon as it's finished. That means that each warehouse constructed will have fewer employees than the one before. How can the City or the developer properly estimate the number of jobs? How can the residents trust the City or the developer when they continue to falsify employment numbers?

6

RESPONSES TO LETTER G-70

Amora Johnson

Response to Comment G-70-1. The proposed World Logistics Center (WLC) project includes a General Plan Amendment (GPA) that identifies those portions of the City's General Plan that will be revised if the WLC project is approved, and that GPA was evaluated in appropriate sections of the EIR (e.g., 4.10, Land Use and Planning). Also, Section 4.4, *Biological Resources*, of the Draft Environmental Impact Report (DEIR) examines potential impacts of the proposed project on existing vegetation and animals. It should be noted that the site generally lacks important biological resources (including wetlands) due to the historical and ongoing disturbance by agricultural activities. The DEIR also examined potential impacts on the nearby San Jacinto Wildlife Area and Mystic Lake, and determined that the project design, with proposed setbacks and landscaped buffers, and recommended mitigation measures would reduce potential impacts on these areas to less than significant levels. The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-70-2. The commenter compares the project to the Mira Loma warehousing area and says wildlife and humans will both be affected. The potential environmental impacts of the WLC project on both the natural and man-made environment are evaluated in the Draft EIR Sections 4.1 through 4.16 with impacts to biological resources addressed in Section 4.4 of the DEIR. The DEIR determined there would be significant impacts related to views, agriculture, air quality, climate change, land use, noise, and traffic but that impacts to biological resources would be reduced to less than significant levels by project design implementation of recommended mitigation measures.

Response to Comment G-70-3. Section 4.4, *Biological Resources*, of the DEIR examines potential impacts of the proposed project on existing vegetation and animals. It should be noted that the site generally lacks important biological resources (including wetlands) due to the historical and ongoing disturbance by agricultural activities. The DEIR also examined potential impacts on the nearby San Jacinto Wildlife Area and Mystic Lake, and determined that the project design, with proposed setbacks and landscaped buffers, and recommended mitigation measures would reduce potential impacts on these areas to less than significant levels.

Response to Comment G-70-4. The commenter remarks about the adverse health effects of diesel pollution and research linking pollution during pregnancy to increased autism risk.

Please refer to Master Response-2: Health Effects of Diesel Particulate Matter. The statement regarding linkage between pollution during pregnancy and increased autism risk is not supported by any reference material in this comment letter.

Response to Comment G-70-5. Please reference Response to Comment G-57-1.

Response to Comment G-70-6. Please reference Responses to Comments G-57-1 and G-59-2.

Letter G-71: Lawrence Woodward (April 9, 2013)

LW PROPERTIES LLC

RECEIVED
APR 08 2004
CITY OF MORENO VALLEY
Planning Division

John Terrell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terrell,

I am a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

↑ 1

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

| 2

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

| 3

Yours truly,

Lawrence Woodward
9820 Willow Creek Rd Suite 400
San Diego CA. 92131

RESPONSES TO LETTER G-71

Lawrence Woodward

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-71-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

The World Logistics Center Specific Plan (WLCSP) does not include any public lands, including any portion of the San Jacinto Wildlife Area (SJWA), as a form of mitigation. The Draft Environmental Impact Report (DEIR) has analyzed the impact of the development that will take place as part of the 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.” It is CDFW land acquired as a buffer (and for other reasons as well), between the high quality SJWA habitat and any proposed development to the north. Calling it the CDFW Conservation Buffer Area is not inaccurate or misleading.

The General Plan Amendment provides for the designation of this CDFW land and portions of the San Diego Gas and Electric (SDG&E) lands as permanent open space. The WLC project does not “take credit” for re-zoning this area as open space. The current zoning for the property is a mix of residential, public and open space designations that are proposed to be removed since those uses are no longer planned and will never be developed. There will be no direct impacts to any portion of the SJWA as part of the WLCSP and no mitigation measures are required. There will be no direct impacts to any portion of the SJWA as part of the WLCSP and no mitigation measures are required.

The CDFW land was incorporated into the San Jacinto Wildlife Area following a sale the subject lands to the State in 2001. The May 18, 2001 Wildlife Conservation Board Agenda (page 43) recommended that 5 separate parcels totaling approximately 1,000 acres (910 acres of which were part of the Moreno Highland Specific Plan) be purchased as expansions of the California Department of Fish and Game’s San Jacinto Wildlife Area. “Acquisitions of the proposed expansions will allow for the 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 CDFW has identified the subject properties as being 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 of the area as they will serve as a buffer from development north of the WLA and add significant wildlife benefits to the WLA. It is anticipated that the addition of these properties will enhance public recreational opportunities, as the upland habitat and wetland areas are restored.”

These parcels within the CDFW Buffer Area have been incorrectly zoned for the past 12 years. The General Plan Amendment included as a part of the project corrects this discrepancy for the CDFW Buffer Area and designates the lands as permanent open space.

These lands, while a part of the SJWA are currently used by CDFW for the same agricultural pursuits as the Highland Fairview-owned properties and generally consists of disked fields with winter grain crops planted and harvested yearly. Based on the 2001 Wildlife Conservation Board Agenda, long-range plans of the 910 acres call for restoration to upland habitat suitable for supporting a number of sensitive plants and animals. Nothing in the WLC Specific Plan alters or degrades what was the stated purchase of the property. A buffer of 400 feet has been provided in the DEIR. This buffer would exclude buildings but would allow for roads, landscaping, water retention basins, and other infrastructure.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

The lands within the CDFW Conservation Buffer Area are further protected by the (Western Riverside County) Multiple Species Habitat Conservation Plan (MSHCP) by a series of Criteria Cells (1364, 1370, 1377, 1386, 1389, 1390, 1483, 1482, 1477, and 1577) which require justification for any development within them. In addition to the Criteria Cell protections, they are also considered Public/Quasi Public Lands according to the MSHCP and would require amendments to the MSHCP to allow development.

The DEIR correctly spells out measures associated with the requirements of Section 6.1.4 of the MSHCP on the Urban/Wildlands Interface to protect adjacent resources. These include, light, noise, toxics, and water quality. Site-specific studies related to compliance the Urban/Wildlands Interface where appropriate will be conducted and compliance with Section 6.1.4 of the MSHCP completed.

There has never been an attempt to take credit for these lands as mitigation or compensation for habitat loss as that will be accomplished through the payment of fees in accordance with the MSHCP formula.

The updated Habitat Assessment and MSHCP consistency analysis (FCS-MBA 2013, FEIR Volume 3 Appendix E-1) fully analysis all WLCSP development related direct and indirect impacts associated with sensitive biological resources in the SJWA.

Response to Comment G-71-2. See Response to Comment G-20-2 for a more detailed response to this comment.

Response to Comment G-71-3. See Response to Comment G-20-3 for a more detailed response to this comment.

Letter G-72: Cris Lins (April 8, 2013)

Cris Lins

Mailing Address: 27062 Calle Esperanza, San Juan Capistrano, CA. 92675

Email: crisl@hcpnational.com Ph.: 949-230-6951

Letter G-72

RECEIVED

APR 08 2013

CITY OF MORENO VALLEY
Planning Division

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terell,

As a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area, I am very concerned with the World Logistic center DEIR.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

Cris Lins

Letter G-72

Mailing Address: 27062 Calle Esperanza, San Juan Capistrano, CA. 92675

Email: crisl@hcnational.com Ph.: 949-230-6951

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

1

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

2

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California. Please protective this vital wildlife area.

3

All the best,



Cris Lins

RESPONSES TO LETTER G-72

Cris Lins

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-72-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-72-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-72-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-73: Randolph Levin (April 8, 2013)

RECEIVED

APR 08 2013

CITY OF MORENO VALLEY
Planning Division

March 27, 2013

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3
-

Sincerely,

(signature)

Property owner:

Name

RANDOLPH LEVIN

Address

PO Box 284

Solana Beach Ca - 92075

APN#

478165 021-0

RESPONSES TO LETTER G-73

Randolph Levin

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-73-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-73-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-73-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-74: D. Moore (April 8, 2013)

March 27, 2013

RECEIVED

APR 08 2013

CITY OF MORENO VALLEY
Planning Division

John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street, and *alexander Blvd.* 1
 - Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
 - Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3
 - *No Truck Traffic on Redland or Cactus Blvd.* 4
 - *2) Subs for Americans.* 5
 - *3) Eliminate all harmful effects.* 6
 - *4) Don't take away our peace + quietness.* 7
 - *5) Require more than 100 foot greenbelt area* 8
- Sincerely,

D. Moore
(signature)

Property owner:

Name

D. Moore

Address

28890 Rainier Way,
Mo. Vly., Ca. 92555

APN#

304-290-057

RESPONSES TO LETTER G-74

D. Moore

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-74-1. See Response to Comment G-9-9 for a more detailed response to this comment.

Response to Comment G-74-2. See Response to Comment G-9-10 for a more detailed response to this comment.

Response to Comment G-74-3. See Response to Comment G-9-11 for a more detailed response to this comment.

Response to Comment G-74-4. The comment is a form letter requesting that the project move all truck traffic off Merwin Street. The comment also requests that Streets D and E be relocated 500 to 1,000 feet east of Merwin Street. The commenter also requests that there be no truck traffic on Redlands or Cactus Blvd.

As explained in Traffic Impact Analysis (TIA) Chapter 4, Section B, Alessandro Blvd will be severed in the project site. This is being done specifically to prevent project traffic from entering the Old Moreno neighborhood. Project traffic will not use Merwin Street. Project-related car traffic heading west will be directed towards Cactus Blvd. Trucks will not be permitted to use the Cactus Blvd. access point and would instead be directed to SR-60.

The proposed on-site road network has been revised so that Street E is 400 ft. away from Merwin Street and Cactus is 1,270 ft. away from Merwin Street.

The Moreno Valley City Council rescinded Redlands Blvd.'s designation as a truck route south of Eucalyptus Avenue (the section cited) Previously trucks had been allowed south as far as Alessandro Blvd. Please refer to Ordinance No. 836 dated January 10, 2012. Trucks will be prohibited from using the Cactus Avenue Extension, and therefore World Logistics Center (WLC) trucks will not be using Cactus Avenue.

Response to Comment G-74-5. The commenter only states “Jobs for Americans” in this comment. This makes no direct reference to the WLC project. In response to comments, the Development Agreement includes a provision for a local hiring program that will encourage local (i.e., City of Moreno Valley) hiring within the WLC project as outlined in Response to Comment G-33-9. Even with the inclusion of a hiring program, there is no effective or legal way to guarantee that all companies within the WLCSP will fill short-term construction or long-term warehousing jobs with legal U.S. residents. As with other issues, the City Council will consider all comments and responses on the project and Environmental Impact Report (EIR) before making a decision on the WLC project.

Response to Comment G-74-6. The commenter wants the project to “eliminate all harmful effects.” There is no way to eliminate all harmful effects and still satisfy the project objectives. The potential environmental impacts of the WLC project on both the natural and man-made environment are evaluated in the Draft EIR Sections 4.1 through 4.16 with impacts related to hazards and hazardous materials addressed in Section 4.8 of the DEIR. The DEIR determined there would be significant impacts related to views, agriculture, air quality, climate change, land use, noise, and traffic. The City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-74-7. The commenter does not want to lose their “peace and quiet.” The potential noise impacts of the project are examined in Section 4.12 of the DEIR which were determined to be significant even with mitigation. The City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Response to Comment G-74-8. The commenter stated the project required more than a 100-foot greenbelt area. The DEIR does provide a buffer area along Redlands Boulevard, Bay Avenue and Merwin Street through Mitigation Measure (MM) 4.1.6.1A which reads as follows:

4.1.6.1A ~~Prior to the issuance of any discretionary permit for development along the western boundary of the WLCSP, a minimum 250-foot setback shall be verified from closest residential property line along Redlands Boulevard, Bay Avenue, and Merwin Street to any truck access area of the WLC project. 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, planted walls and landscaping sufficient to provide effective visual screening between the new development and existing residential areas upon maturity of the landscaping materials. Prior to development of the portion of the WLC Specific Plan property adjacent to Redlands Boulevard, 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 City Planning Official Division.~~

In addition, the minimum setback from a residential zoning to a building along Redlands Boulevard, Bay Avenue and Merwin Street is 250 feet per the Specific Plan. Compliance with mitigation measure (MM) 4.1.6.1A and the minimum building setback, will provide for berms and landscaping that would exceed the suggested 100 foot wide greenbelt area in the comment letter.

Along Redlands Boulevard the future right of way is planned as 110 feet, subtracting this from the 250 foot setback would leave a 140 foot buffer area. Along Bay Avenue and Merwin Street the right of way is 60 feet, subtracting this from the 250 foot setback would leave a 190 foot buffer area.

Letter G-75: Donald A. Holt (April 8, 2013)

RECEIVED**APR 08 2013**CITY OF MORENO VALLEY
Planning Division

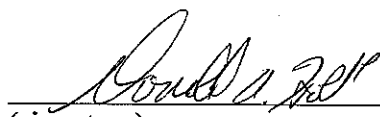
March 27, 2013

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3
- Please require that they provide Adequate Flood Control/Protection For Existing Current Property owners 4

Sincerely,


 (signature)

Property owner: Name Donald A. Holt

Address 14242 Redlands Blvd
Moreno Valley, CA 92555

APN# 478 4210 12-3

RESPONSES TO LETTER G-75

Donald A. Holt

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-75-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-75-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-75-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-75-4. The commenter wants the project to provide “more than a 100-foot greenbelt area.” The World Logistics Center (WLC) project will be separated from existing residences by a 250-foot buffer which will include new landscaping and existing roadways.

Letter G-76: Gary Klann (April 8, 2013)

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APR 08 2013

CITY OF MORENO VALLEY
Planning Division

APR 18-13

TO PLANNING COMMISSION
MARK GROSS AICP SENIOR PLANNER

RE SCH 2012021045

I AM A 25 YEAR RESIDENT OF THE EAST END
OF MORENO VALLEY LIVING OFF REDLANDS
BLVD. OUR TOWN HAS GROWN FROM A
COMMUNITY OF APPROXIMATELY 60,000 TO
A CITY OF CLOSE TO 200,000 PEOPLE IN
THE LAST 25 YEARS.

THERE HAS BEEN ALMOST ZERO IMPROVEMENT
TO THE ROADS IN THIS AREA. HWY 60
EAST OF REDLAND BLVD IS STILL A ~~4~~ LANE ^{ONE WAY} ROAD
EAST BOUND; GILLIAM SPRINGS IS THE
SAME AS IT HAS BEEN, A DANGEROUS 2 LANE
ROAD. SAN TIMATEO IS STILL A DANGEROUS
2 LANE ROAD. TRAFFIC IS NEAR GRIDLOCK
ON THESE ROADS AT PEAK HOURS OF TRAVEL.

THE ROADS AND POLLUTION ARE NEARLY
TO THE POINT OF MAKING MORENO VALLEY
ONE OF THE WORST CITIES IN CALIFORNIA
TO LIVE. IF THIS WAREHOUSE PROJECT
HAPPENS IT WILL BE INTOLERABLE

FROM THE ADDED POLLUTION AND TRAFFIC.
ALONG; NOT EVEN CONSIDERING THE OTHER PROBLEMS.
THE SKETCHER'S WAREHOUSE WAS
ALLOWED TO BE BUILT AGAINST
THE PLANNING DEPARTMENT'S APPROVAL
AND I HOPE THAT REASON AND
COMMON SENSE WILL PREVAIL
AND THIS NEW PROJECT WILL BE
VOTED DOWN, AS IT IS WRONG ON
SO MANY LEVELS AND IS NOT
RIGHT FOR MYSELF AND MANY OF US
ON THE EAST END OF THE VALLEY
AND ADJOINING AREAS WHICH WILL BE IMPACTED.

GARY KLANN
PO BOX 6491
MV 92554

951-285-4272
APN 478-210-069

RESPONSES TO LETTER G-76

Gary Klann (April 8, 2013)

Response to Comment G-76-1. None of the comments apply to the Environmental Impact Report (EIR) analysis or conclusions, but are personal observations about the project and project review process. The Draft Environmental Impact Report (DEIR) concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Letter G-77: Efrain Rocha (April 8, 2013)

RECEIVED

APR 08 2013

CITY OF MORENO VALLEY
Planning Division

March 27, 2013


John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
 - Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
 - Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3
- STOP THE WAREHOUSES!!!

Sincerely,


(signature)

Property owner: Name Efrain Rocha
Address 28620 Highpoint Ave.
Moreno Valley, CA 92555
APN# 304-070-007

RESPONSES TO LETTER G-77

Efrain Rocha

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-77-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-77-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-77-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-78: Ingrid Tipton (April 4, 2013)

RECEIVED

APR 08 2013

CITY OF MORENO VALLEY
Planning Division

April 4, 2013

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92552

Re: World Logistics Center

Dear Mr. Terrell:

I am writing this letter in response to the notice I received from you regarding the World Logistics Center.

I am unable to just sign the attached letter regarding Merwin St. due to the fact that I as well as most of my neighbors do not want the World Logistics Center coming to our neighborhood **AT ALL**. The increase in traffic, pollution, etc. will happen whether or not there is an entrance on Merwin. Just changing the access road will not solve the problem.

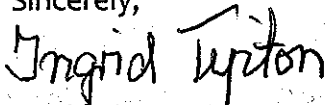
My family and I have lived in this neighborhood since 1978. We moved out here for the rural, quiet atmosphere and for the most part that has been maintained for the last 35 years. The World Logistics Center will destroy the neighborhood we live in and drive the value of our property down to an all-time low!

There are so many other areas in Moreno Valley already zoned for that type of industry with plenty of space to build more. Many of the new warehouses are sitting empty already!

Why should we have to lose the peace that we have cherished in our neighborhood since before Moreno Valley ever became a city, so certain city officials can realize their own greedy dreams?

However, if the logistics center is allowed to be built out here, I definitely feel that Merwin should not be used as the access road. Thank you.

Sincerely,



Ingrid Tipton
14065 Wilmot St
Moreno Valley, CA 92555

RESPONSES TO LETTER G-78

Ingrid Tipton

Response to Comment G-78-1. The commenter wishes the City to deny the project, not modify it as some of his neighbors suggest. The City Council will consider all comments and responses before making a decision on the World Logistics Center (WLC) project and Environmental Impact Report (EIR).

Response to Comment G-78-2. None of the comments apply to the EIR analysis or conclusions, but are personal observations about the project. The Draft Environmental Impact Report (DEIR) concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Response to Comment G-78-3. The commenter says there are other areas to build warehouses and many existing ones are vacant. The economic study for the WLC project (DTA 2014)(DEIR Appendix O-1) indicates that logistics warehousing is and will continue to be a rapid growth sector of the Southern California economy for many years. The only location in the City where enough land is available for a regional logistics center of over 1,000 acres is in the Rancho Belago area (eastern Moreno Valley). The “alternative sites” analysis in DEIR Section 6.7 evaluated 16 different potential project sites in 12 different jurisdictions and determined there were no feasible alternative sites available in the surrounding area to house the proposed project.

Response to Comment G-78-4. The commenter states that if a logistics center is allowed to be built at this location, Merwin Street should not be used as the access road.

As explained in TIA Chapter 4, Section B, (FEIR, Volume 2, Appendix L) Alessandro Blvd will be severed in the project site. This is being done specifically to prevent project traffic from entering the Old Moreno neighborhood. Project traffic will not use Merwin Street. Project-related car traffic heading west will be directed towards Cactus Blvd. Trucks will not be permitted to use the Cactus Blvd. access point and would instead be directed to SR-60.

Letter G-79: William Dyer (April 8, 2013)

William D. Dyer

Mailing Address: 16 A Journey, Ste. 150, Aliso Viejo, CA. 92656

Email: dyer5@aol.com Ph.: 949-302-2048**RECEIVED**

APR 08 2013

CITY OF MORENO VALLEY
Planning Division

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terell,

As a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area, I am very concerned with the World Logistic center DEIR.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

William D. Dyer

Mailing Address: 16 A Journey, Ste. 150, Aliso Viejo, CA. 92656

Email: dyer5@aol.com Ph.: 949-302-2048

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

1

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

2

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California. Please protective this vital wildlife area.

3

All the best,



William D. Dyer

RESPONSES TO LETTER G-79

William Dyer

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-79-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-79-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-79-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-80: Stan Perry (April 8, 2013)

RECEIVED**APR 08 2013****CITY OF MORENO VALLEY**
Planning Division

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terell,

I am a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

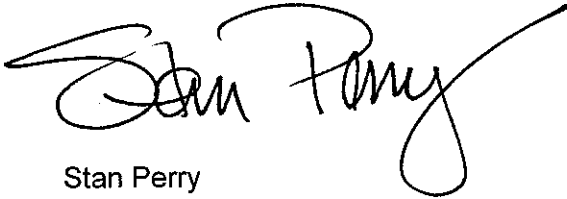
This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

2

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

3

Yours truly,

A handwritten signature in black ink, appearing to read "Stan Perry". The signature is fluid and cursive, with a large loop at the end of the last name.

Stan Perry

RHC, 12214 Heacock Street, Moreno Valley, CA 92557

RESPONSES TO LETTER G-80

Stan Perry

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-80-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-80-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-80-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-81: William Crocker (April 8, 2013)

RECEIVED

APR 08 2013

CITY OF MORENO VALLEY
Planning Division

March 27, 2013


John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3
- 3

Sincerely,


(signature)

Property owner:

Name

WILLIAM E. CROCKER

4/4/2013

Address

28686 Highpoint Ave

Moreno Valley, CA 92555-7005

APN#

304070012

RESPONSES TO LETTER G-81

William Crocker

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-81-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-81-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-81-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-82: John Cargasacchi (April 8, 2013)

RECEIVED**APR 08 2013****CITY OF MORENO VALLEY
Planning Division**

John Terrell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: World Logistic center DEIR

Dear Mr. Terrell,

My family and I are frequent users of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

↑ 1

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

↑ 2

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

↑ 3

Sincerely,



John M. Cargasacchi

RESPONSES TO LETTER G-82

John Cargasacchi

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-82-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-82-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-82-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-83: Louis and Lavine LaBelle (March 28, 2013)

March 28, 2013

City of Moreno Valley Economic Planning Department:

This letter is written in response to the proposed World Logistics Center project. It is apparent that the City Planning Commission and City Council have chosen to approve recommendation of this project without concern for the citizens of this community. The environmental impacts of this project should be considered before this project moves forward. First of all, the pollution generated from the amount of trucks that are estimated to be traveling through the area will have adverse effects on the health of the residents and will deteriorate the air quality in the area. This increase in truck traffic will also affect the gridlock on the 60 freeway and surrounding streets. This is already a problem as there is only one way into the city and one way out, it will only be compounded by the addition of hundreds of more trucks. Also, these trucks bring additional noise that will affect the residents. This is all in contradiction to the general land use that was originally designated for this area. Agriculture and wildlife in the area will also be adversely affected as will the open spaces and aesthetics of the community. As residents of this community we would like to voice our opposition to such a project. The proposed "benefits" do not outweigh the significant negative impacts.

Louis + Lavine LaBelle
28815 Kimberley Ave.
Moreno Valley, CA 92555



RESPONSES TO LETTER G-83

Louis and Lavine LaBelle

Response to Comment G-83-1. Many of the comments regarding impacts of the World Logistics Center (WLC) project on the overall quality of life, specifically air quality and traffic, were addressed in the Draft Environmental Impact Report (DEIR) Sections 4.4 and 4.15, respectively. The DEIR concluded that air quality and traffic impacts would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-83-2. Although trucks would bring additional noise to the surrounding areas, the proposed WLC project includes a General Plan Amendment (GPA) that identifies those portions of the City's General Plan that will be revised if the WLC project is approved, and that GPA was evaluated in appropriate sections of the EIR (e.g., 4.10, *Land Use and Planning*). The City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed WLC project.

Response to Comment G-83-3. The commenter is concerned about impacts to aesthetics (open space and views), agriculture, and wildlife. These issues are addressed in Sections 4.1, 4.2, and 4.4 of the DEIR, respectively. The DEIR determined the WLC project would have significant impacts on views and agriculture, even with mitigation, while impacts to wildlife were determined to be less than significant with mitigation. The City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Letter G-84: John Mamulski (April 8, 2013)

March 27, 2013

RECEIVED

APR 08 2013

CITY OF MORENO VALLEY
Planning Division

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3
- 3

Sincerely,

John S. Mamulski
(signature)

Property owner: Name John Mamulski
Address 28868 Campbell Ave.
Moreno Valley CA. 92555
APN# 478131062

RESPONSES TO LETTER G-84

John Mamulski

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-84-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-84-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-84-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-85: Ana Hernandez (email) (April 10, 2013)

Sent: Wednesday, April 10, 2013 10:38 AM
To: Mark Gross
Subject: Re: The World Logistic Center in Moreno Valley

Mark:

Thank you for your letter and the information regarding the proposed WLC.

I live in the golf course community on Cactus and Moreno Beach Drive and am very concerned about this project and the way it will impact my (and my family's) quality of life. I moved from LA 10 years ago for this same reason; to live better and in a nice community. I'll be sure to attend Saturday's meeting. In the interim, my question is. Can we, Moreno Valley residents, do anything about it? Do we have any say in whether this project flies or not? Or is it a done deal? Anyway, I'm sure I'll find that out on Saturday. Please send me more information or let me know what I can do to get more informed. I'm truly concerned. **1**

Sincerely,

Ana Hernandez, Investigator
FEDERAL PUBLIC DEFENDER
Riverside Office
(951) 276-6940 - office
(626) 622-2746 - cell

RESPONSES TO LETTER G-85

Ana Hernandez

Response to Comment G- 85-1. The commenter expresses concern in general about the project. The commenter is encouraged to review the Draft Environmental Impact Report (DEIR) and this Final Environmental Impact Report (FEIR) with its revised technical studies and changes to the DEIR document. The DEIR determined there would be significant impacts related to views, agriculture, air quality, climate change, land use, noise, and traffic. The City Council will consider all comments and responses on the project and EIR before making a decision on the World Logistics Center (WLC) project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Letter G-86: Eric Johnson (April 9, 2013)

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

RECEIVED

APR 10 2013

CITY OF MORENO VALLEY
Planning Division

Re: World Logistic center DEIR

Dear Mr. Terell,

I am a land owner in the San Jacinto Valley and a frequent user of the San Jacinto Wildlife Area.

The Draft Environmental Impact Report (DEIR) incorrectly designates an area adjacent to the San Jacinto Wildlife Area (SJWA) and part of the World Logistic Center project as a "Conservation buffer". There is no such entity and the area described within this "Conservation buffer" is owned and maintained by the California Department of Fish and Wildlife as part of the San Jacinto Wildlife Area. This area was acquired by the Wildlife Conservation Board in 2001 for addition to the San Jacinto Wildlife Area for endangered and threatened species habitat along with conservation efforts for wildlife in the county of Riverside. This was never meant to be or considered anything other than part of the San Jacinto Wildlife Area. This designation is incorrect and misleading.

The area in question is also included in the Multi-Species Habitat Conservation Plan (MSHCP) developed in 2004 for Riverside County. It was not described as a buffer zone but as MSHCP Conservation habitat.

None of the direct and indirect impacts to the MSHCP and other species on the SJWA are properly analyzed in the DEIR.

The EIR must address these issues, correctly identify the false "CDFW Conservation Buffer" as part of the SJWA and properly analyze an appropriate buffer for the SJWA. Any buffer proposed must be justified by evidence-based research that supports the size of such buffer.

The people of the state of California have over 100 million dollars invested in the SJWA and any threat or compromise of that investment needs to be thoroughly evaluated.

The current DEIR does not meet that criteria and, in its current form, is woefully inadequate in its evaluation of the detrimental effects of this project on the San Jacinto Wildlife Area.

This is only one of many issues that I am concerned about with this project. The amount of increased traffic from cargo trucks, the increased diesel emissions and light pollution created will all have a tremendous detrimental effect on the wildlife area and the adjacent lands that the state partners with in their conservation easement program.

This project may create jobs but will do so at the expense of what little wildlife habitat is left in Southern California and is not in the best interest of the people of the State of California.

Yours truly,



Eric Johnson
Johnson Machinery Company
Riverside, CA

April 9, 2013

RESPONSES TO LETTER G-86

Eric Johnson

NOTE: This letter is based on a template provided by J. Weleba in Letter G-20. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-86-1. See Response to Comment G-20-1 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-86-2. See Response to Comment G-20-2 of Letter G-20 for a more detailed response to this comment.

Response to Comment G-86-3. See Response to Comment G-20-3 of Letter G-20 for a more detailed response to this comment.

Letter G-87: E. Madera (email) (April 10, 2013)

Mark Gross

From: emade@earthlink.net
Sent: Monday, April 01, 2013 4:54 AM
To: Mark Gross
Subject: WLC

Hello:

As a long-time resident of Mo Val, I am extremely opposed to the WLC. Please put me on the distribution list to be notified of all meetings pertaining to, and where the WLC will be discussed. 1

Also is there a particular e-mail address where I can make comments as well?

Thank you.

E. Madera

No
address

RESPONSES TO LETTER G-87

E. Madera

Response to Comment G-87-1. Most of the comments do not apply to the Environmental Impact Report (EIR) analysis or conclusions, but are personal observations about the project and project review process. The Draft Environmental Impact Report (DEIR) concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Letter G-88: Conchita Marusich (April 10, 2013) and Appendix 1 (on Flash Drive)

THE WOLFSKILL TRUST
P. O. BOX 3005
NAPA, CA 94558

Letter G-88A

Mr. Mark Gross
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Dear City of Moreno Valley,

We are the property owners of the 640 acres located directly east of the World Logistics Center project (Our property has Riverside County Assessor Parcel Numbers: 422-160-008, 009, and 010). We have concerns about some of the elements of the World Logistics Center project and have outlined them below:

(1) After reviewing map Figure 4.4.1, we noticed that there is a 1,000 foot buffer placed around the eastern, southern, and a portion of the northern boundaries of the World Logistics Center project area. This 1,000 foot buffer area is outside the project footprint and actually covers a portion of our property. We do not exactly know the purpose of this "buffer" area; however, we do not want any portion of our property having setbacks or restrictions as a result of this project. As such, we would like to ask that you make sure there are no new or additional restrictions placed on our property relating to this project or buffer area.

(2) We are concerned that the utilities for the project stops away from Gilman Springs Road. We would like to request that you make sure that the roads (or open space areas) where the utilities are located have easements allowing us to extend the utilities to our own property. Also, please make sure the developer of the World Logistics Center builds in enough extra capacity in each of the various utility lines (i.e. sewer, water, gas, telephone, electric, etc.) to handle our property and the surrounding area.

(3) We are also concerned about how the drainage control for the World Logistics Center is being handled. It appears that there may be one or more drainage basins on our property. I want to make sure that no one is putting the drainage control burden for the World Logistics Center project on our property.

I want to thank you for your time and consideration on this matter. If you have any questions, please let us know.

Best Regards,

Conchita Marusich

Conchita Marusich
Beneficial Owner
The Wolfskill Trust.

RESPONSES TO LETTER G-88

Conchita Marusich

Response to Comment G-88-1. The commenter stated,

“After reviewing Figure 4.4.1, we noticed that there is a 1,000 foot buffer placed around the eastern, southern, and a portion of the northern boundaries of the WLC project area. This 1,000 foot buffer area is outside the project footprint and actually covers a portion of our property. We do not exactly know the purpose of this “buffer” area, however, we do not want any portion of our property having setbacks or restrictions as a result of this project. As such, we would like to ask that you make sure there are no new or additional restrictions placed on our property relating to this project or buffer area.”

Figure 4.4.1 in the Draft Environmental Impact Report (DEIR) depicts the “Onsite Vegetation Communities” and includes an area labeled as a “1,000 ft. Buffer Area.” This area is simply an area designating the limits outside the proposed project boundary that were studied to understand, in this case, what offsite vegetation exists around the project boundary. It does not establish any sort of a restriction on the properties within the “1,000 ft. Buffer Area.” The figure uses this term of a 1,000 ft. buffer area, which has caused confusion. The revised DEIR Figure 4.4.1 indicates this area as the study area for biological resources.

When a project evaluates its environmental impacts it typically includes evaluation existing conditions outside the project area (offsite), to understand how the project will interface with adjacent areas.

Response to Comment G-88-2. All of the proposed utilities will be located within public rights of way, no easements will be necessary to allow offsite property owners to tie into the World Logistics Center’s (WLC) utilities lines that will serve the WLC. Eastern Municipal Water District (EMWD) and other utilities require that facilities be sized to accommodate future development. EMWD and the other utilities are responsible for any upsizing of facilities and will seek reimbursement from future developers.

Response to Comment G- 88-3. No drainage basins are proposed on offsite property. The drainage conditions upstream of the WLC project area were evaluated because they contribute flows to the WLC project area. Flows from the WLC do not impact upstream properties. Upstream properties contribute runoff to the WLC project area. It is pointed out in the revised Appendix J of the Draft Environmental Impact Report (DEIR) Section 6.2 of *the Master Plan of Drainage Report* that sediment could be generated from these offsite tributary areas upstream of Gilman Springs Road. As stated in Section 6.2, in the existing condition, the majority of the sediment will deposit upstream of Gilman Springs Road. In the future, sediment basins could be constructed upstream of Gilman Springs Road to contain the existing sediment and minimize the total suspended solids in the runoff. However, because sediment basins upstream of Gilman Springs Road are not to be constructed as part of this project, it is expected that some of the offsite sediment will continue to be transported through the culverts along Gilman Springs Road. The proposed drainage facilities in the WLC project have been sized to convey the expected sediment load. As such, these sediment basins are not needed nor required for this project. The project onsite area will not generate significant amount of sediment due to the proposed logistics land use. The sediment that proceeds through the Gilman Springs Road culverts will be transported to the proposed detention basins on the WLC area. The proposed basins will settle the sediment before exiting the project boundary, similar to how the sediment settles in the existing channels and overland area in the existing condition.

Response to Comment Appendix 1. Appendix 1 identifies the property owned by the respondent. The property is located east of the WLC Project. No proposed drainage basins are proposed on this

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

property. The drainage conditions upstream of the WLC project area were evaluated because they contribute flows to the WLC project area. Flows from the WLC do not impact upstream properties. Upstream properties contribute runoff to the WLC project area. It is pointed out in the revised Appendix J of the DEIR Section 6.2 of the *Master Plan of Drainage Report* that sediment could be generated from these offsite tributary areas upstream of Gilman Springs Road. As stated in Section 6.2, in the existing condition, the majority of the sediment will deposit upstream of Gilman Springs Road. In the future, sediment basins could be constructed upstream of Gilman Springs Road to contain the existing sediment and minimize the total suspended solids in the runoff. However, because sediment basins upstream of Gilman Springs Road are not to be constructed as part of this project, it is expected that some of the offsite sediment will continue to be transported through the culverts along Gilman Springs Road. The proposed drainage facilities in the WLC project have been sized to convey the expected sediment load. As such, these sediment basins are not needed nor required for this project. The project onsite area will not generate significant amount of sediment due to the proposed logistics land use. The sediment that proceeds through the Gilman Springs Road culverts will be transported to the proposed detention basins on the WLC area. The proposed basins will settle the sediment before exiting the project boundary, similar to how the sediment settles in the existing channels and overland area in the existing condition.

**Letter G-89: Tom Paulek and Susan Nash (April 5, 2013) and Appendices 1-7
(on Flash Drive)**

RECEIVED**APR 08 2013**CITY OF MORENO VALLEY
Planning Division

Tom Paulek and Susan Nash
P.O. Box 4036
Idyllwild CA 92549
atpaul44@earthlink.net
snash22@earthlink.net

April 5, 2013

John Terell, Planning Official
Community & Economic Development Department
Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley CA 92552

Re: Draft EIR World Logistics Center Project, City of Moreno Valley (SCH 2012021045)

Dear Mr. Terell,

We have reviewed the Draft Environmental Impact Report (DEIR) for the World Logistics Center (WLC). The project applicant is seeking entitlements to build 41.6 million square feet of warehouse and associated uses on 2710 acres of existing agricultural lands. The WLC southern project boundary will immediately abut the California Department of Fish and Wildlife (CDFW), San Jacinto Wildlife Area (SJWA), the principal Multiple Species Habitat Conservation Plan (MSHCP) Conservation Reserve and the most important biodiversity conservation site in western Riverside County. The City's election to prepare a Programmatic EIR for this project does not provide the necessary information and analysis for the public, lead, responsible and trustee agencies to make informed and well-reasoned decisions on this project. For that reason, the City's consideration of this environmentally harmful project must be deferred pending preparation and public review of a legally sufficient document.

1

I. The DEIR misrepresents the San Jacinto Wildlife Area/MSHCP Conservation Area lands as being a "CDFW Conservation Buffer Area".

A. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. *County of Inyo v. City of Los Angeles* (1977) 21 Cal. App. 3d 185 (an enigmatic or unstable project description impedes public input). The DEIR reference to the SJWA/MSHCP Conservation lands is an intentional misrepresentation¹:

4.4 BIOLOGICAL RESOURCES

For the purposes of analysis in this section of the EIR, the project area has been divided into three sections. The first includes the Specific Plan area and associated off-site facilities referred to as the Specific Plan Area.

The second section includes the California Department of Fish and Wildlife (CDFW) conservation area as well as the SDG&E-owned lands and will be referred to as the CDFW Buffer Area.²

The third includes a 1,000-foot wide area along the south and east boundaries of the site to examine possible indirect impacts on the San Jacinto Wildlife Area and referred to as the "Off-site Analysis Zone."³ (DEIR pg. 4.4-2 & Figure 4.4.1)

4.4.1.10 WILDLIFE, SJWA AND MYSTIC LAKE

The SJWA is 20,000 acres of man-made wetlands and open water ponds and is the first state wildlife area to utilize reclaimed water to enhance its wetlands. It is located south of the project area and the CDFW Conservation Buffer Area.⁴ (DEIR pg. 4.4-15)

¹ Misrepresentation: to give an inaccurate or deliberately false account of the nature of somebody or something. An assertion or manifestation by words or conduct that is not in accord with the facts.

² With no explanation or justification, the SGD&E natural gas compression plant lands are also included in the alleged "CDFW Buffer area".

³ See figure 4.4.1: For purposes of analyzing indirect impacts to the SJWA, the EIR moves the boundary of the SJWA to the mythical "conservation buffer" boundary. By analyzing impacts 1000 feet around the 1065 acres of the SJWA/MSHCP conservation lands, the EIR analyzes the direct and indirect impacts of the SJWA area on itself.

⁴ The San Jacinto Wildlife Area is located immediately south of the Specific Plan Project Site. The mythical CDFW Conservation Buffer Area boundary is incorrectly imposed on the public lands of the SJWA.

...In 1995⁵ the Board [Wildlife Conservation Board] acquired an additional 921 acres of upland farmland within the southern portion of the Moreno Highlands Specific Plan⁶ property to incorporate into the SJWA. In 2001, the Board Acquired an additional 274 acres in this same area. This land was purchased to provide a buffer between the land surrounding Mystic Lake and the planned urban development within Moreno Valley.⁷ (PG. 4.4-16)

CDFW CONSERVATION BUFFER AREA

The entirety of the state-owned land south of the project is referred to as the SJWA.⁸ However, the land purchased out of the Moreno Highlands Specific Plan is referred to in this EIR as the CDFW Conservation Buffer Area to denote the reason for its original purpose. The 1195 acres acquired by the Wildlife Board during the past twenty years was intended to serve as an effective barrier between the SJWA and the development expected to occur north of the SJWA area (the present mixed use Moreno Highlands Specific Plan)....(DEIR pg. 4.4-16)

4.4.1.18 OTHER USES

a. Setbacks

In evaluating the potential impacts of project development on the SJWA and Mystic Lake, it will be important to consider that the CDFW Conservation Buffer was originally purchased by the state to provide a buffer between the SJWA/Mystic Lake and future development within the Moreno Highlands Specific Plan (now the proposed project area) (DEIR pg. 4.4-51).⁹

B. "[A]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 730.) The characterization of the May 18, 2001, Wildlife Conservation Board (WCB) land acquisition for the expansion of the San Jacinto Wildlife Area (SJWA) as the "CDFW Conservation Buffer Area" is in error. Neither are the DEIR statements recounted above

⁵ The WCB purchased these lands in 2001.

⁶ The Moreno Highlands Specific Plan expired in 2011.

⁷ In 2001 the WCB purchased, in fee, approximately 1,000 acres of land as an expansion of the SJWA.

⁸ Because the DEIR defines the project as including 1195 acres of the SJWA, the SJWA is defined as being located south of itself.

⁹ This is a misrepresentation. The lands were acquired in fee by the WCB in 2001 as an expansion to the SJWA and for the restoration of habitat for threatened and endangered species and for the purpose of promoting the recovery of those species.

or the project consideration and impact analysis as to these critically important wildlife conservation land in accord with the facts.

For inclusion in the Administrative Record, we have attached a copy of the Wildlife Conservation Board minutes of May 18, 2001, (Attachment # 1) Agenda Item # 31, San Jacinto Wildlife Area Expansions 15 through 19, Riverside County reports as follows”

“Mr. Wright reported that this proposal is to consider the acquisition of five separate ownerships consisting of approximately 1,000 acres of land as expansions of the Department of Fish and Game’s (DFG) San Jacinto Wildlife Area (WLA), located in western Riverside County.”

“Acquisition of the proposed expansions will allow for the protection 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 uplands and alkali flats. Numerous sensitive plants endemic to the Mystic Lake area, including the thread-leaved brodiaea (state listed endangered and federally proposed threatened), San Jacinto saltbush (federally endangered) and spreading Navarretia (federally proposed threatened)¹⁰ are found on site. The WLA and adjoining lands support 38 species of amphibians and reptiles. Mammal species are well-represented and range from the desert shrew to the southern mule deer. The Stephens’ kangaroo rate (state listed threatened and federally listed endangered) is a resident mammal on the WLA.”

“Since 1982, over 240 species of birds have been recorded on, or adjacent to the WLA. Twenty-two over-wintering raptor species are known to utilize the San Jacinto Valley, including osprey, ferruginous hawk, golden eagle and short-eared owl. The San Jacinto Valley consistently ranks in the top one to two percent in species diversity for the North American Christmas bird counts. Historically, the San Jacinto Valley

¹⁰ These three plants species were subsequently listed by the US Fish and Wildlife Service as federal endangered or threatened plant species and are now included as covered endemic plant species in the MSHCP.

has consistently proved to be an important southern California wintering and nesting area for migratory shorebirds and waterfowl. Three federally or state listed endangered birds have been documented on the WLA, including bald eagle, peregrine falcon and the California brown pelican."

"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 add significant wildlife benefits to the WLA. It is anticipated that the addition of these properties will enhance public recreational opportunities, as the upland habitat and wetland areas are restored. Therefore, consistent with long-range planning purposes, staff of the Board presents the following five proposals for Board consideration:"

The minutes of the May 18, 2001, WCB meeting indicates further the wildlife conservation board approved the acquisition of the San Jacinto Wildlife Area Expansions 15 through 19 as proposed and allocated \$15,100,000.00 from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act (Proposition 12) sec. 5096.350(a)(3) T & E for the purchase price and associated costs. Excerpts from the text of Proposition 12 (Attachment #2) indicate Sec. 5096.350 made available for expenditure by the Wildlife Conservation Board funds "for the restoration, or acquisition from a willing seller, of habitat for threatened and endangered species or for the purpose of promoting the recovery of those species."

C. The Western Riverside County Regional Conservation Authority (RCA) was created in 2004 to implement the Multiple Species Habitat Conservation Plan (MSHCP) intending to protect 146 native species of plants and animals and preserved a half million acres of their habitat. Of the 1.26 million acres covered by the MSHCP, 500,000 acres, or 40% is designated for preservation. Of that, half a million acres, 347,000 acres or 69% is already conserved as public or quasi-public land. The acquisition of the remaining land (153,000 acres) to establish the ultimate MSHCP Conservation Area is now being implemented by the RCA and is its most important activity. (See attachment # 3—"About RCA" http://www.wrc-rca.org/about_rca.asp

The SJWA lands erroneously designated as the “CDFW Conservation Buffer Area” in the Draft EIR were recorded for inclusion in the MSHCP Conservation Area immediately after the creation of the RCA in 2004. Attachment #4, the RCA “Interactive Map” (www.wrc-rca.org/interactive_map.asp) depicts these SJWA lands acquired in fee by the Wildlife Conservation Board (WCB) in 2001 as “RCA Acquisitions” included in the then newly emerging (2004) MSHCP Conservation Area. Attachment # 5, the RCA “Area # 3 Detail 01 (03-01)” [click on interactive map, northern boundary of SJWA] also depicts the WCB lands acquired in 2001 for the expansion of the SJWA as being recorded for inclusion in the MSHCP Conservation Area having a “record date” of 11.2001-6/2003. In addition, the March 19, 2013 letter from Charles Landry, Executive Director of the RCA confirms the SJWA/MSHCP Conservation Area lands erroneously designated and evaluated in the draft EIR as “CDFW Conservation Buffer Area” are now counted and included in the MSHCP Conservation Area (see attachment # 6).

The Draft EIR has failed to provide an accurate description of the physical environmental conditions in the vicinity of the project, as they exist at the time the environmental analysis commenced. The environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. CEQA commands (Guidelines 15125) that knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

CEQA commands (Guidelines 15125) further that the Draft EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. Such regional plans include, but are not limited to Wildlife Habitat Conservation Plans and Natural Community Conservation Plans. Because the project applicant’s mythical “CDFW Conservation Buffer Area” does not exist, the Draft EIR has failed to meet this burden.

The EIR must be re-written with all references to the mythical "CDFW Conservation Buffer Area" removed. The actual environmental setting, with the SJWA/MSHCP Conservation Lands and the natural gas compression plant lands on the southern boundary of the Specific Plan, must be properly analyzed. All Biological Analysis must be based on impacts to the actual SJWA/MSHCP Conservation Lands without reference to the mythical "CDFW Conservation Buffer Area."

16

II. The Draft EIR Fails to Consider the Direct, Indirect and Cumulative Impacts of the World Logistics Center Project on the Stephens' kangaroo rat.

We have attached a copy of the California Department of Fish and Wildlife (formally DFG) **Management Authorization** (May 6, 1996) in order that it is included in the administrative record. We are also incorporating by this reference the *Final Joint Environmental Impact Statement and Environmental Impact Report regarding Authorization for Incidental Take and Implementation of a Long-Term Habitat Conservation Plan for the Stephens' Kangaroo Rat western Riverside County, California-February 1996* (<http://www.skrplan.org/index.htm>) and request this document also be included in the CEQA administrative record for this project.

17

The state **Management Authorization** implementing the Stephens' kangaroo Rate Habitat Conservation Plan (SKRHCP) was issued to the Riverside County Habitat Conservation Authority (RCHCA) pursuant to the California Endangered Species Act.(Fish and Game Code: 2080-2085) and the Natural Community Conservation Planning Act. (Fish and Game Code: 2800-2835). The state NCCP Act does not exempt a project in a Natural Community Conservation Planning area from the California Environmental Quality Act (CEQA) or alters or affects the applicability of CEQA (Fish and Game Code 2826). In addition, the California Endangered Species Act (CEQA) specifies incidental take of endangered species **shall be minimized and fully mitigated** and the **mitigation** required for the incidental take **shall** be roughly proportional in extent to the authorized take.

18

Even though the World Logistics Center Specific Plan site and adjoining public lands (San Jacinto/Lake Perris SKR Reserve) is known occupied habitat for the Stephens' kangaroo rat (SKR), the Draft EIR fails to qualify and quantify direct and indirect incidental take this project will precipitate on the endangered SKR. Nor does the CEQA analysis examine measures/alternatives to **minimize and fully mitigate** incidental take. The Draft EIR does not include a cumulative analysis of SKR take. A cumulative incidental take analysis is particularly important because the DFG **Management Authorization** allows the incidental take of one half of the extant SKR populations (15,000 occupied acres) at the time the incidental take permit was issued to the RCHCA. CEQA Guidelines 15065, Mandatory Findings of Significance, requires a lead agency shall find a project may have a significant effect on the environment if the project has the potential to: "threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species."

The Draft EIR consideration of significant project impacts to Biological Resources is just plain wrong. The Biological Resource impact analysis must be redone and recirculated for public comment.



Tom Paulek, Wildlife Biologist



Susan Nash, Attorney at Law

RESPONSES TO LETTER G-89

Tom Paulek and Susan Nash (April 5, 2013)

Response to Comment G-89-1. The purpose of the Environmental Impact Report (EIR) is to identify conceptual project related impacts and appropriate mitigation measures at a programmatic level that will reduce the level of impacts to a less than significant level. The Draft Habitat Assessment and (Western Riverside County) Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis (FCS-MBA 2013) provides the necessary information and analysis for the public, lead, and responsible and trustee agencies to make a decision on this project. Project specific impacts and mitigation measures will be analyzed during a project-level California Environmental Quality Act (CEQA) analysis on a project-by-project basis. This EIR is a legally sufficient document to address the program level project as proposed.

Response to Comment G-89-2. The World Logistics Center Specific Plan (WLCSP) does not include any public lands, including any portion of the San Jacinto Wildlife Area (SJWA), as a form of mitigation. The Draft Environmental Impact Report (DEIR) has analyzed the impact of the development, which will take place as part of the 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.” It is CDFW land acquired as a buffer (and for other reasons as well), between the high quality SJWA habitat and any proposed development to the north. Calling it the CDFW Conservation Buffer Area is not inaccurate or misleading, nor is it an intentional misrepresentation. The commenter is referred to Response to Comment Letters G-20-1 and G-71-1 for further discussion.

Response to Comment G-89-3. The commenters are correct that these lands are not a part of the CDFW lands, but are considered a part of the General Plan Amendment. Since the San Diego Gas and Electric (SDG&E) lands are generally within the area outside of the specific plan boundaries and within the General Plan Amendment boundaries as single term was used. The revised Habitat Assessment MSHCP Consistency Analysis (2013) document has made the distinction clearer (see pages 5 and 6). 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. There will be no direct impacts to these lands.

Response to Comment G-89-4. The MSHCP Consistency Analysis (FCS 2013) document has made the distinction clearer (see pages 5 and 6). The 1,000-foot Indirect Impact zone is now associated with the edge of the WLC Specific Plan boundaries and extends into proposed conservation areas in order to identify any indirect impacts of the development of the specific plan. Since the lands called the CDFW Conservation Buffer Area are a part of the General Plan Amendment and therefore addressed in the EIR related they fall within areas that require an Urban/Wildlands Analysis according to Section 6.2.4 of the MSHCP. There will be no direct impacts to these lands.

Response to Comment G-89-5. The comment specifically addresses the description of the CDFW Conservation Buffer Area. The CDFW land was incorporated into the San Jacinto Wildlife Area following a sale the subject lands to the State in 2001. The May 18, 2001 Wildlife Conservation Board Agenda (page 43) recommended that 5 separate parcels totaling approximately 1,000 acres (910 acres of which were part of the Moreno Highland Specific Plan) be purchased as expansions of the California Department of Fish and Game’s San Jacinto Wildlife Area. “Acquisitions of the proposed expansions will allow for the 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 DFW has identified the subject properties as being 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 of the area as they will serve as a buffer from development north of the WLA and add

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

significant wildlife benefits to the WLA. It is anticipated that the addition of these properties will enhance public recreational opportunities, as the upland habitat and wetland areas are restored.”

These parcels, identified in the DEIR as the CDFW Conservation Buffer Area based on the statements from the May 18, 2001 Wildlife Conservation Board Agenda have incorrectly zoned for the past 12 years. The idea of the General Plan Amendment included as a part of the DEIR is to correct this discrepancy and place the lands a permanent open space. The commenter is referred to Response to Comment Letter G-89-2 for further discussion.

Response to Comment G-89-6. This comment calls into question why the CDFW Conservation Buffer Area was not described as being the SJWA and is similar to Comment G-89-2 and G-89-5. See Responses to Comments G-89-2 and G-89-5 for more information.

Response to Comments G-89-7. The commenters are correct that the CDFW Conservation Buffer Area was purchased by the State in 2001.

Response to Comment G-89-8. The Moreno Highlands Specific Plan did not expire in 2011. It remains the current zoning applicable for the majority of the project area, including the 910 acres of CDFW lands referred to as the CDFW Conservation Buffer Area.

Response to Comment G-89-9. The commenter says the state bought 1000 acres as an expansion of the San Jacinto Wildlife Area. While this statement is correct, it is also correct it was purchased from or out of the Moreno Highlands Specific Plan (MHSP) property and the Wildlife Conservation Board action in that regard specifically says it will act as a buffer from planned urban development (i.e., at that time the rest of the MHSP). Please refer to Response to Comment F-10-9 for more information in this regard.

Response to Comment G-89-10. The commenter says the SJWA cannot be south of itself. In Section 3.4.1, *Project Terms*, and at the beginning of each environmental analysis section DEIR (4.1 through 4.16), the relationship of the various properties involved in the WLC project was explained. One of those areas is the 1,086 acres of conservation land owned by the state that is south of the land planned for development as logistics warehousing. The reason the state conservation land is mentioned is that it is being rezoned as part of the discretionary actions requested by the WLC project because at present those lands are still zoned for a golf course and various residential uses under the Moreno Highlands Specific Plan (MHSP). It is unfortunate if the commenter was confused on this point. The DEIR Section 3.4.1 defines the CDFW Conservation Buffer Area as part of the SJWA.

Response to Comment G-89-11. The commenter is only partially correct, the lands were purchased for conservation but the DEIR clearly shows, from the minutes of the Wildlife Conservation Board action, that purchase of the 1,000 acres was not only for conservation but also as a buffer from planned urban development (i.e., at that time the rest of the MHSP)(DEIR Section 4.4.1.10). Please refer to Response to Comment F-10-9 for more information in this regard.

Response to Comment G-89-12. The EIR appropriately describes the purchase of the 910 acres by CDFW.

Response to Comment G-89-13. The DEIR acknowledges that thread-leaved brodiaea, San Jacinto saltbush (crownscale) and spreading Navarretia are now listed species and covered under the MSHCP (See Table 4.4.B of the DEIR). The DEIR and the revised Biological Resources Assessment/MSHCP Consistency document also clearly indicate that there is a low potential for these species to occur within the WLCSP as there is no suitable habitat.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-89-14. The proposed project simply applies open space designation to lands to the 910 acres of CDFW lands that are currently zoned for mixed use residential designations. The project does not suggest any changes to the MSHCP, the CDFW, the SJWA or any other regulatory program.

Response to Comment G-89-15. Biological surveys were conducted on these lands and recent contact with CDFW on access to the CDFW Conservation Buffer Area for surveys in 2013 was denied. CDFW and the project proponent both acknowledge that no impacts will occur within the CDFW Conservation Buffer Area including the SDG&E lands and the SJWA area. The DEIR and supporting biological technical studies provide an adequate description of the existing environment for all of these areas.

Response to Comment G-89-16. The DEIR discusses consistency with the MSHCP and Stephens' kangaroo rat (SKR) Habitat Conservation Plan (HCP) in Section 4.4.2.3 and Section 4.4.6.2. Since there is no development planned for the CDFW Conservation Buffer Area, there is no consistency issues with the MSHCP and SKR HCP.

Response to Comment G-89-17. The document has been added to the record.

Response to Comment G-89-18. The MSHCP Consistency Analysis (FCS-MBA 2013, FEIR Volume 3 Appendix E-1) document acknowledge that Stephens' kangaroo rat has a high potential to occur within suitable habitat areas of the WLCSP and the WLCSP is within the Stephens' kangaroo rat HCP fee area. Since the project site is not within an SKR Core Area, the project will comply with the payment of fees established in the HCP.

Based on extensive studies of the project site over the past eight years, the WLCSP itself contains very little suitable habitat for Stephens' kangaroo rat and no trapping program is required, since the WLCSP is not within a core conservation area. Since there is little potential to impact SKR the idea of discussion of incidental take should not be necessary. Areas with suitable habitat, in particular the southwestern corner of the WLCSP with suitable habitat was placed as open space. The lands within the SJWA immediately south of the WLCSP have habitat similar to the WLCSP, e.g., disked and dryland farmed areas. Again the potential for Stephens' kangaroo rat is low within the majority of the WLCSP.

Response to Comment G-89-19. Cumulative impacts on all biological species were considered in the DEIR in Section 4.4.7. Since the WLCSP has limited suitable habitat for SKR and the CDFW Conservation Buffer Area lands have similar dryland farming activities, it is unlikely that impacts to SKR outside of those considered in the SKR HCP would occur. The project proponent will be required to pay all applicable fees, like any other group that falls within the SKR HCP and is under the signature of an authorized agency, e.g., the City of Moreno Valley.

Response to Comment G-89-20. The DEIR and the Biological Resources Assessment /MSHCP Consistency document (F FCS-MBA 2013, FEIR Volume 3 Appendix E-1) cover all aspects of the project as required by CEQA. Confusion with impacts to SJWA lands versus lands that have been under dryland agriculture for at least 80 years have been clarified. The WLCSP lands with its long history of agriculture has limited suitable habitat for most species that would be subject to CEQA review. The MSHCP has clear outlines for lands it wished to conserve and the vast majority of the WLCSP does not fall within those areas. Payment of substantial fees to purchase conservation lands to satisfy MSHCP conservation areas will be provided as projects are proposed and additional surveys conducted on each development parcel.

Response to Appendix 1 (Minutes from the State of California, Department of Fish and Game, and the Resource Agency Wildlife Conservation Board meeting on May 18th, 2001). The appendix was directly referenced in the comment letter. The project biologist assumes that the

appendix is intended to provide information regarding the San Jacinto Wildlife Area expansion, which includes the CDFW Conservation Buffer Area. The information was considered in preparing the response to comments.

Response to Appendix 2 (The text of Proposition 2 by the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond act of 2000). This appendix was directly referenced in the comment letter. The project biologist assumes that the appendix is intended to provide additional information with regard to the specific language in Article 5 –Wildlife Program of the Proposition 12. The proposition states that funds be available for expenditure by Wildlife Conservation Board for the acquisition of land for conservation purposes. The information was considered in preparing the response to comments.

Response to Appendix 3 (A document about the Western County Riverside Regional Conservation Authority). This appendix was not directly referenced in the comment letter. It is assumed that the appendix is intended to provide additional information related to the MSHCP and the Riverside County Regional Conservation Authority (RCA). The information was considered in preparing the response to comments.

Response to Appendix 4 (A document about the Western County Riverside Regional Conservation Authority). This appendix was not directly referenced in the comment letter. It is assumed that the appendix is intended to provide additional information related to the location of RCA Acquisition land as well as Public/Quasi-public lands. The information was considered in preparing the response to comments.

Response to Appendix 5 (A document and map about the Western County Riverside Regional Conservation Authority). This appendix was not directly referenced in the comment letter. It is assumed that the appendix is intended to provide additional information related to the areas already acquired by the RCA for conservation. The information was considered in preparing the response to comments.

Response to Appendix 6 (A reply to the Public Records Act Request for Western County Riverside Regional Conservation Authority by Tom Paulek). This appendix was not directly referenced in the comment letter. It is assumed that the appendix is intended to provide additional information related to the SJWA conservation area. The information was considered in preparing the response to comments.

Response to Appendix 7 (The California Endangered Species Act Management Authorization for Implementation of Stephens Kangaroo Rat Habitat Conservation Plan in Western Riverside County by the Riverside County Habitat Conservation Agency). This appendix was directly referenced in the comment letter. It is assumed that the appendix is intended to provide additional information related to the Stephens' kangaroo rat Habitat Conservation Plan with regard to meeting the requirements of the CDFW. Adherence to the approve SKR HCP Implementing Agreement and Management Authorization will not result in jeopardy to its continued existence. This information was considered in preparing the response to comments.

Letter G-90: Mr. and Mrs. H.W. Wolterbeek (April 8, 2013)

April 8, 2013

City of Moreno Valley Community and Economic Development Department
14177 Frederick St.
Moreno Valley, CA 92553

RECEIVED

APR 08 2013

**CITY OF MORENO VALLEY
Planning Division**

Gentlemen:

As directed by the Guidelines of the Draft Environment Impact Report for the World Logistics Center, persons wishing to make comments on the DEIR, must submit, their comments in writing to the City of Moreno Valley Community and Economic Development Department by no later than the conclusion of the 60-day review period, or by 5:30 pm on Monday, April 8, 2013. These pages are to be considered such a written response to the request for comments, and will address comments on the following topics:

- A. Employee Density
- B. Wages
- C. Occupancy of the WLC
- D. Build Out
- E. Residency
- F. Job-Housing Ratio
- G. Trip Generation Rate
- H. Cerrell Effect
- I. Miscellaneous
- J. DEIR

Each of these comments is presented in the corresponding section of this document; i.e. Comment A is presented and discussed in Section A, Comment B in Section B, and so forth. All comments are to be assumed as individual comments, and, as such, each should be considered and answered individually.

This document is our personal opinion on a matter of great importance to Moreno Valley. Any negative comments are not intended as slander or defamation of any person or any organization, but are our opinions of the facts.

Thanking you for the opportunity of commenting the Draft Environment Impact Report for the World Logistics Center to be located in Rancho Belago, Moreno Valley, Ca., we remain,

Sincerely Yours,



Mr. & Mrs. H.W. Wolterbeek
11521 Slawson Ave.
Moreno Valley, CA 92557

CC: Emailed to mvedcommunityforum@moval.org

A: **COMMENT:** The number of employees/KSF quoted in the DEIR may be overstated by as much as 26%, and further employee/KSF information must be obtained before proceeding with Phase 2 of the WLC.

- A.1. In Appendix O of the DEIR, the *Fiscal & Economic Impact Study of the WLC* document, Table 4-A and Exhibit 3 of Appendix A, David Taussig & Associates (DTA) uses the employment metrics of **.50 employees/KSF** for Logistics (LD/LL) and **2.5 employees/KSF** for Retail. These amounts are given as sourced from the DTA Public Works Database, which, in turn, is said to be confirmed by "*Employment Density Study*" SCAP (2001), and "*Logistics Trends and Specific Industries*," NAIOP Research Foundation (March 2010).
- A.1.a. The DTA Public Works Database seems to be a proprietary database, and its contents may not have been published for general research. If this is the case, then DTA must be faulted as using data which cannot be verified by the research of any person(s) wishing to comment of the validity of the information presented in the DEIR of WLC. Lack of access to this database prevented a validation of the assertion that the WLC would support .5 employees per KSF as stated in the DEIR.
- A.1.b. Table B-1 (Employment Densities (employees per acre) by Anderson Code) found in the SCAP source cited above ("*Employment Density Study*" SCAP (2001)) gives the value of 16.32 employees/acre for the Anderson Code of 1340 (Wholesaling & Warehousing). This, then, is equivalent to **0.37 employees/KSF**, which is 26% less than the .5 employees/KSF used by DTA in its employment metric for the WLC.
- A.1.c. The NAIOP source cited above ("*Logistic Trends and Specific Industries*") used inventory, employment and square feet per employee as identified through the Energy Information Administration Commercial Buildings Energy Consumption Survey for 1992, 1995, 1999, and 2003 (the most recent year available at the time of the survey).
- A.1.c.(1) The NAIOP source qualified its research results by stating "the limitations of this research result from limited data availability for recent time periods and for more specific building types and characteristics." They continue by stating that "the uncertainty of employment projections, especially from the 2008 base year at the start of the recession, is also an important caveat."
- A.1.c.(2). According to the research done for the NAIOP study, "the real estate inventory for logistics buildings (including refrigerated warehouses, non-refrigerated warehouses, distribution or shipping centers, self-storage and flex buildings of 50 percent or more

1

warehouse and storage activities) ranged from 11.4 billion to 10.1 billion square feet for the four available years of survey information between 1992 and 2003. Employment related to this inventory has ranged from 4.5 million to 6.2 million employees for the same years. The ratio of inventory to associated employment averaged 2,059 square feet per employee with no clear trend in direction, and was 2,241 square feet per employee in 2003, the most recent year." This converts to between **0.49 employees/KSF to 0.45 employees/KSF**.

A.1.c.(3) Attempts to verify this information in the NAIOP source document proved fruitless, since online access to the underlying Energy Information Administration Commercial Buildings Energy Consumption Survey for 1992, 1995, 1999, and 2003 database was unavailable. However, specific Tables and Summary Reports were accessible. Included below is a copy of Table 3 (Building Size Inventory and Employment for Logistics Buildings) from *"Logistics Trends and Specific Industries," NAIOP Research Foundation (March 2010)*.

A.1.c.(3).a. Table 3 of the NAIOP study is listed below. Note that this table has building size, inventory size, and number of workers.

Table 3 of the NAIOP:

Building Size in Sq.Ft	Inventory in MSF	Number of Workers
1,001-5,000	905	491,362
5,001-10,000	912	493,605
10,001-2,5000	208	961,104
25,001-50,000	1,048	602,526
50,001-100,000	1,494	646,284
100,001-200,000	1,162	454,007
200,001-500,000	1,322	377,733
500,000-1000,000	684	364,879
1000,000+	552	142,317

A.1.c.(3).b. There is also a (Table B14, Part 2) in the EIA Summary Tables, (Floor space for Non-Mall Buildings, 2003) that included data for 10,078 buildings in the Principal Building Activity of Warehouse and Storage. This EIA Table is discussed in Section A.1.c.(4) below.

A.1.c.(4) Definitive data giving the number of workers per floorspace was not directly available in the EIA Summary Tables, however Table B14, Part 2 (Floorspace for Non-Mall Buildings, 2003) included the following data for 10,078 buildings in the Principal Building Activity of Warehouse and Storage:

EIA Summary Table B14, Part 2 , (Floor space for Non-Mall Buildings, 2003):

Building Size in Sq.Ft	Warehouse and Storage (MSF)
1,001-5,000	895
5,001-10,000	868
10,001-2,5000	2,064
25,001-50,000	1,043
50,001-100,000	1,494
100,001-200,000	1,162
200,001-500,000	1,322
Over 500,000	Q

A.1.c.(4).(a) These Tables allow direct verification that the information of the two tables probably came from the same source. In this case, the NAOIP Table probably came from an Energy Information Summary Table, or directly from the Energy Information Summary Data.

A.1.c.(4).(b). Note that this table does not include an estimate for the number of workers in these buildings, only the size of the building. (Note that the designation "Q" in the EIA table signifies that data was withheld either because the relative standard error was greater than 50%, or that fewer than 20 buildings were sampled.) Furthermore, even though verification of the number of workers in each

category of building, as stated in the NAIOP document, could not be obtained, it is possible that NAIOP had access to data not generally available to online researchers. However, the qualifier, "Q", above shows that for buildings over 500,000 Square Feet, the Energy Department considers its data "unreliable", and should not have been used by the NAIOP study.

- A.1.c.(5) Attempts to verify the information regarding the number of employees in Table 3 of the NAIOP study (shown above) were unsuccessful because direct online access to the data for the Energy Information Administration (EIA) Commercial Buildings Energy Consumption Surveys of 1992, 1995, 1999, and 2003 was unavailable. However, the EIA did provide some summary tables online, and Table B1, from the EIA, provided the following data for the Warehouse and Storage Subcategory of Principal Building Activity:

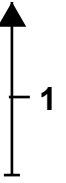
EIA Summary Table B1 , (Total and Means of Floorspace, Number of Workers, and Hours of Operation for Non-Mall Buildings, 2003):

Number of Buildings in Thousands	Total Floor Space in Millions Square Feet	Total Number of Workers in Thousands	Mean Square Foot Per Building in Thousands	Mean Square Foot per Worker
597	10,078	4,369	17,000	2,306

- A.1.c.(6) The EIA Reports indicate that the **Mean Worker/KSF** was .43 for buildings supporting warehouse and storage activities.

- A.2. In summary, there exist several estimates for the number of warehouse workers per KSF for the Warehouse and Storage category. The DTA uses **0.5 employees/KSF** based on its apparently proprietary database. DTA supports this number by referencing "*Employment Density Study*" SCAP (2001), which states that the number is **0.37 employees/KSF**. DTA also states that its number is supported by referencing "*Logistics Trends and Specific Industries*," NAIOP Research Foundation (March 2010), which maintains that there are **0.45 employees/KSF**. There does not appear to be a solid, reliable number for the number of employees per KSF for buildings greater than 500,000 Square Feet, and the number quoted in the DEIR may be overstated by as much as 26%.

- A3. A better determination of employees/KSF must be made to ensure that Moreno Valley managers can properly plan for the safety, security, and welfare of WLC employees, and for Moreno Valley citizens. It is imperative that more data be obtained before Moreno Valley proceeds with Phase 2.



B: COMMENT: The annual wages/employee stated in the DEIR may be overstated by as much as 26%, and further information must be obtained before proceeding with Phase 2.

B.1. In Appendix O of the DEIR, the Fiscal & Economic Impact Study of the WLC document, Table 4A states that the average wage of the WLC employees will be \$42,341.

B.1.a. The wage assumptions are as follows: 90% of all employees will earn \$41,229 annually, and 10% of all employees (the managers) will earn \$52,346 annually, giving an annual average wage of \$42,341.

B.1.b. Table 4A states that this data was obtained for warehouse and transportation workers from *U.S. Census Bureau, Longitudinal Employer-Household Dynamics Reports (California, 2010) for Riverside-San Bernardino-Ontario Metropolitan Area and Riverside County; confirmed by Bureau of Labor Statistics (May 2010)*.

B.2. Since Appendix O did not provide adequate specificity of the sources from which the data was drawn, it was impossible to verify the wage numbers.

B.2.a. References to the Census Reports and/or Bureau of Labor Statistical documents, just name the document, without providing any information as to the search criteria used for analysis, nor any specific table numbers or report page which may have been utilized. Appendix O did not define either the various labor codes that were used to arrive at the wage numbers, nor the probable number of workers in each of the various labor codes. This information is crucial in determining an accurate estimate of the average wage earned by the employees, as well as in determining the probability those workers will be located in Moreno Valley, and the potential impact on such items as sales tax revenue to Moreno Valley.

B.2.b. Therefore it was necessary to review the entire sourced document and resulted in the conclusion that the Fiscal and Economic Study was either based on erroneous information, or that the study's conclusions were based on an improper data set.

B.2.b.(1). The Census Bureau and the Department of Labor use different codes for the various labor categories. The Census Bureau data base was studied for the Warehouse and Transportation Category Group (Census Bureau codes 48 and 49) for the metropolitan area for Riverside and San Bernardino County in 2010.

B.2.b.(1).(a). The average wage for this category is listed as \$38,463.

- B.2.b.(1).(b). Note that this value is lower by approximately 10% from the \$42,341 value in Table 4A of Appendix O.
- B.2.b.(1).(c). The decision to use Category Groups 48-49 in the Census Database is valid since these categories are called "Transportation and Warehouse" within that database and Appendix O, Table 4A states that the Census Data was used for the category group "Warehouse and Transportation."
- B.2.b.(1).(d). The wage number \$42,341 was not reproducible using Census Data for Category Groups 48-49, hence it would appear that DTA did not use these Category Groups. If DTA used other Category Groups for data, it should have specified which Category Groups they were using.
- B.2.b.(2). However, note that the 48-49 Category Groups are, in reality, too broad for application to the WLC, since these categories include, for example, aircraft transportation workers, marine transportation workers, etc. The use of category groups in obtaining results from the Census database is too general. Consequently, it is assumed that DTA used more specific categories to obtain their results.
- B.2.b.(3). In addition, by using various category data, Appendix O should have included an estimate of the number of employees expected to work in the WLC in each category in order to determine a valid estimate of the annual wage.
- B.2.c. To determine a better estimate of the average annual wage for the WLC project, wage information from the 2010 Census (the same database used by DTA) for the metropolitan area of Riverside and San Bernardino County for the Census Code 4931 (the code specifically for warehousing and storage employees) was analyzed. This gave an average wage of **\$33,504, approximately 21% lower than that stated in Appendix O."**
- B.3. Data was then obtained from the Bureau of Labor Statistics in May 2012 (not May 2010) for the Standard Occupational Classification (SOC) Codes 53-0000 and 43-0000. (The different date of the report is not relevant for the purpose of this wage study since the

wages did not change by 20% between 2010 and 2012). The information was used since the data is more recent and therefore more relevant to Moreno Valley managers.

- B.3.a The code 53-0000 was included since this category includes freight and stock material movers. (However, note that while this category group includes truck drivers, it also includes commercial pilots and boat captains.) The code 43-0000 was included since this group includes billing clerks, stock clerks and order clerks. (However, note that this category group also includes postal mail carriers, brokerage clerks and order clerks.)
- B.3.b. The annual wage for the code 53-0000 was **\$33,940**. Observe that the wage quoted in this Bureau of Labor Statistics for heavy truck/tractor-trailer truck drivers (category 53-3032) was listed at \$44,610. Further refinement was obtained for category 53-6099 (generic transportation workers with an average annual wage of \$25,870), category 53-5071 (industrial truck and tractor operators with an annual wage of \$32,450), category 53-7061 (laborers and material movers with an annual wage of \$26,030, and category 53-7064 (packers and packagers with an annual wage \$24,080).
- B.3.c. Similarly, the annual wage for code 43-0000 was **\$34,130**. Wages for this category were not refined since most of these wages average about \$30,000 to \$34,000, and are not sufficient to raise the average wages to the number quoted in the DEIR.
- B.3.d. Note that most of the workers in the 43 and 53 labor standard category group classifications do not earn over \$40,000. It was not possible to duplicate the stated average WLC wages of \$42,341. Again, it must be stated that DTA must define the labor categories used in the WLC report and specifically should refine the data to include probable numbers of each category. If that cannot be done, then the data from the generic category groups 43 and 53 must stand as valid and that the estimate of \$42,340 in Table 4A of the Fiscal Impact Study is wrong.

- B.4. The quarterly Publication of the University of California, Riverside, Volume 5, Issue 2, Summer 2012, states that the warehouse industry in the Inland Empire, hired about 114,000 workers in Riverside and San Bernardino counties in 2010. The document continues that most of these workers are Latino, of which half are immigrants. It states that most of these warehouse workers are temporary workers who lack benefits and are paid low wages, without benefits, and work in an unsafe and unhealthy environment.

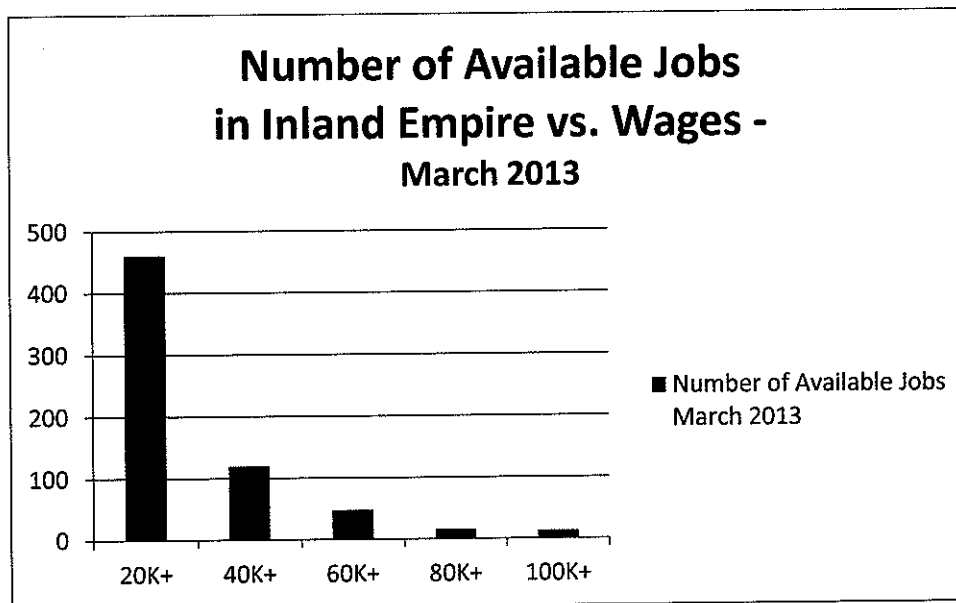
It also states that most of the region's warehouse workers are employed through temporary employments services. This study references information from Allen 2010, and Delara 2009. It further states that the median hourly wages (i.e. half of the workers earn less than this amount) in the Inland Empire range from \$9.11 to \$13.08. This implies an annual wage of **\$17,500 to \$25,000**. The UCR study also stated that

temporary workers are frequently paid less than this (41% of these blue-collar workers are paid less than \$10.50 per hour (Bonacich and DeLara 2009)).

B.5. In an attempt to test the validity of the premise that most workers at WLC will be earning wages of approximately \$20,000, an empirical data test (thought experiment) was performed on March 29, 2013, by the commentator. A data set of actual job openings in the warehouse/storage industry, within a radius of 25 miles of Moreno Valley, was obtained from the *Indeed.com* website.

B.5.a. The obtained data set resulted in 640 job openings with a wage distribution that included a typical wage distribution pattern that one might expect when setting up a warehouse. The data distribution should be considered typical of the WLC wage distribution in current dollars. The following table and chart summarize that data:

Wage Range	Number of Available Jobs March 2013
20K+	461
40K+	120
60K+	48
80K+	16
100K+	13



B.5.a.(1). The weighted average wage was calculated to be \$29,605. Note that the total number of available positions was 658. This is a

sufficiently large statistical sample to be considered a valid forecaster of the anticipated wage pattern of the WLC in current dollars.

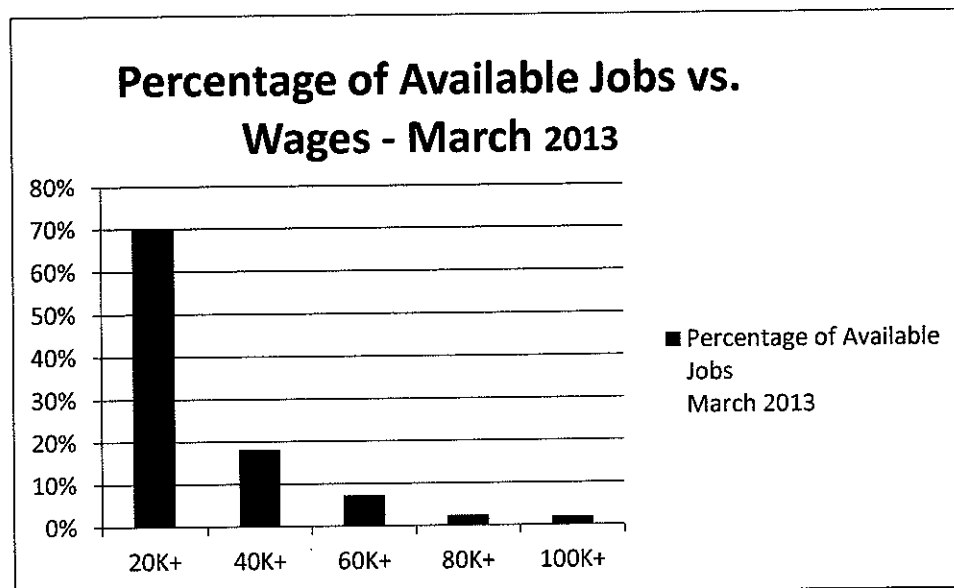
- B.5.a.(2). A smaller subset was obtained from openings on that date in Moreno Valley. This is shown in the table below:

Wage Range	Number of Available Jobs March 2013
20K+	23
40K+	10
60K+	6
80K+	0
120K	1

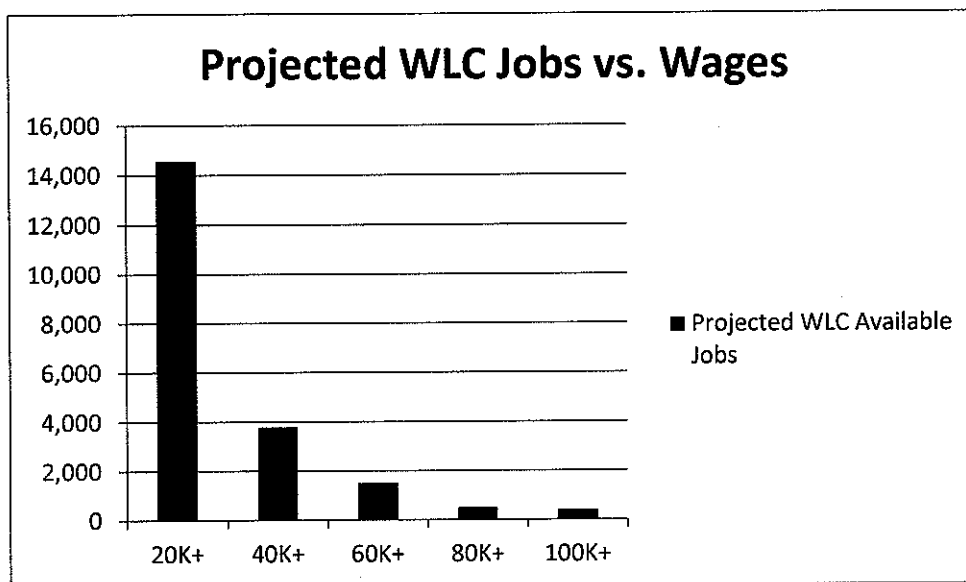
- B.5.a.(3). Since it is very probable that most of this data was probably included in the data for openings within 25 miles, this data will not be counted separately, even though this data set has a higher mean wage of \$33,500.

- B.5.b. Continuing with the empirical test, the ratio of job numbers versus wages can be applied to the projected WLC employment.

- B.5.b.(1). The following chart shows the empirical text percentage data:

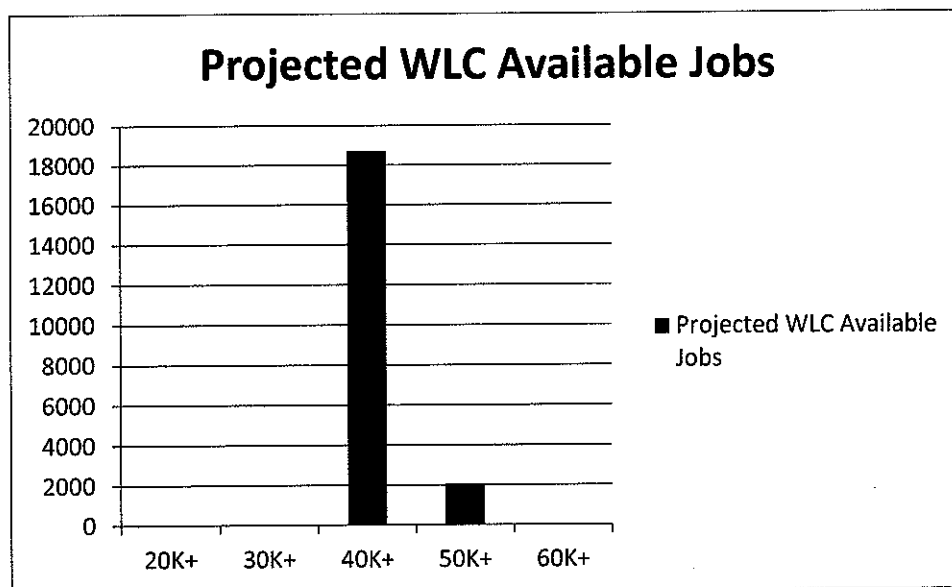


- B.5.b.(2). Assuming that there are 20,808 actual jobs available in the WLC, and applying these percentages to the WLC employment projection, we have the following results:



B.5.b.(3). This gives an average projected wage for all WLC employees as \$39,407. However the majority of employees would be earning approximately \$30,000 or less.

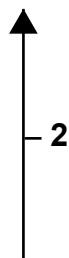
B.5.b.(4). The DTA wage breakdown, as taken from *Appendix O of the DEIR, the Fiscal & Economic Impact Study of the WLC document, Table 4A*, is provided in the following chart.



B.6. In conclusion it appears that the wage numbers for WLC workers in 2013 dollars is much less than \$42,341 as presented by Appendix O. Indeed, it appears from this analysis, as well as from the empirical experiment, and from extrapolation from the UCR study that

the annual wages/employee stated in the DEIR may be may be overstated by as much as 26%.

- B7. In order for Moreno Valley to better understand the true economic impact of the WLC on Moreno Valley, better wage information must be obtained before proceeding to Phase 2.



C: COMMENT: The DEIR must include realistic projections of occupancy of the WLC over time. The projection must include considerations of fluctuations in the economic conditions of Southern California.

- C.1. The DEIR Fiscal and Economic Impact Study (Appendix O) assumes full occupancy for its validity. This is unrealistic. The following discussion shows that full occupancy of the buildings of Phase 1 will probably not be completed until the ninth year after the first buildings of Phase 1 begin to be occupied. The discussion shows that occupancy of Phase 2 buildings is not needed until the ninth year after the first buildings begin to be occupied. It is imperative that the DEIR include a realistic projection of the probable occupancy over time. This projection must include assumptions of economic conditions of Southern California as they may affect the WLC.
 - C.1.a. No project as large as the WLC can be fully occupied from day one. This is unrealistic. In addition, the DEIR does not include anticipations of the reasonable effects on the WLC of variations from the probable economic fluctuating conditions for the next 15 years.
 - C.1.b. Because the DEIR states that the WLC is aimed at Southern California markets, which in turn depend heavily on the health of the rest of the United States, the DEIR must address the potential economic effects of the Southern California economy on the occupancy rate.
 - C.1.c. It is imperative that the Moreno Valley City Council require that the DEIR be modified to include a realistic determination of the probable occupancy of the WLC buildings over the next 15 years.
- C.2. The DEIR states that the WLC in Moreno Valley will consist of 41.6 million square feet of warehouse buildings, of which 41.4 million square feet will be devoted to high cube industrial warehouses. The minimum size of these high cube buildings will be 500,000 square feet.
 - C.2.a. For lack of further definition of the specific size of individual high cube buildings, the following analysis assumed that the WLC will have 80 tenants of 500,000 square feet and one tenant of 1.6 million square feet. This analysis will only address the occupancy rate of the 500,000 square ft buildings, and will not address the occupancy rate of the 1.6 millions square feet building.
 - C.2.b. The DEIR states that the First Phase of the build out, consisting of about half of the project, will be completed by 2017. The Second Phase of the build out is scheduled to be completed by 2022.
 - C.2.b.(1). The city and the owner of the WLC property will need to aggressively market those 80 buildings to tenants who not only can

afford the operational cost of a 500,000 square foot building in Moreno Valley, but also can set up the necessary logistics to make the buildings economically profitable.

C.2.b.(2). Several assumptions were made for a reasonable occupancy profile for the WLC.

C.2.b.(2).(a). The first assumption made was that even though Phase 1 is not completed until 2017, the project can receive the first tenants in 2015.

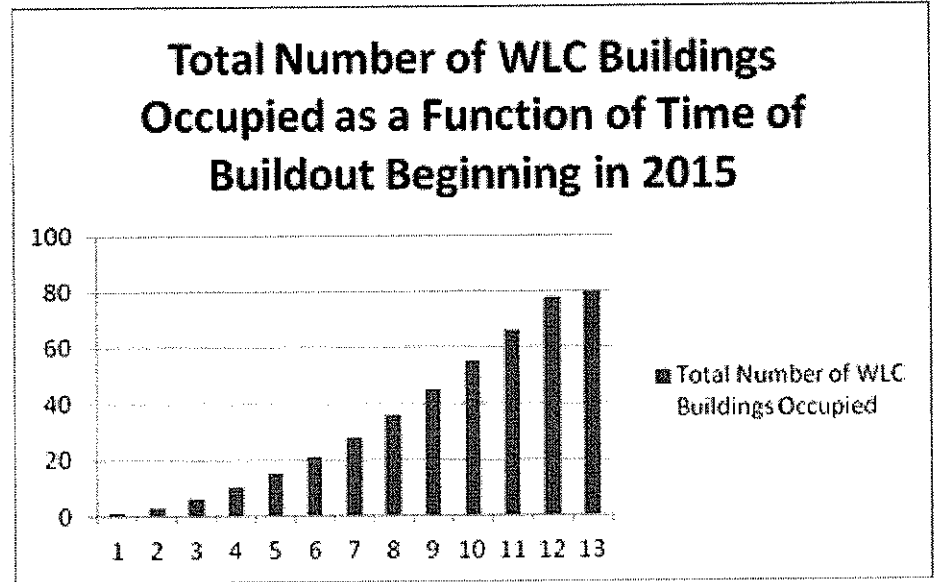
C.2.b.(2).(b). The second assumption was an equation for the probably occupancy rate of the WLC over time.

C.2.b.(2).(b).1. Assumptions of quadratic or exponential occupancy curves, for the occupancy rate over time discussion, appear unreasonable. Even a linear occupancy curve, where the number of buildings occupied is equal to 5.5 times the number of years after 2015, is unrealistic, since it is logical that it will be easier to find tenants once the WLC has buildings already occupied. That is to say that it is not logical to assume that the same number of new buildings will be occupied in 2026 as will be newly occupied in 2016.

C.2.b.(2).(b).2. Probably a more realistic assumption is a projection that the warehouse occupancy increases each year at a rate of $[1+x]$ where x is 0 for the first year (2015), one for the second year (2016), etc., until full occupancy.

C.2.b.(2).(b).3. The following chart depicts such an occupancy rate.

3



C.2.c. This graph shows the WLC build out as a function of time between 2015 and 2027, where 2015 is year 1, 2016 is year 2, etc.

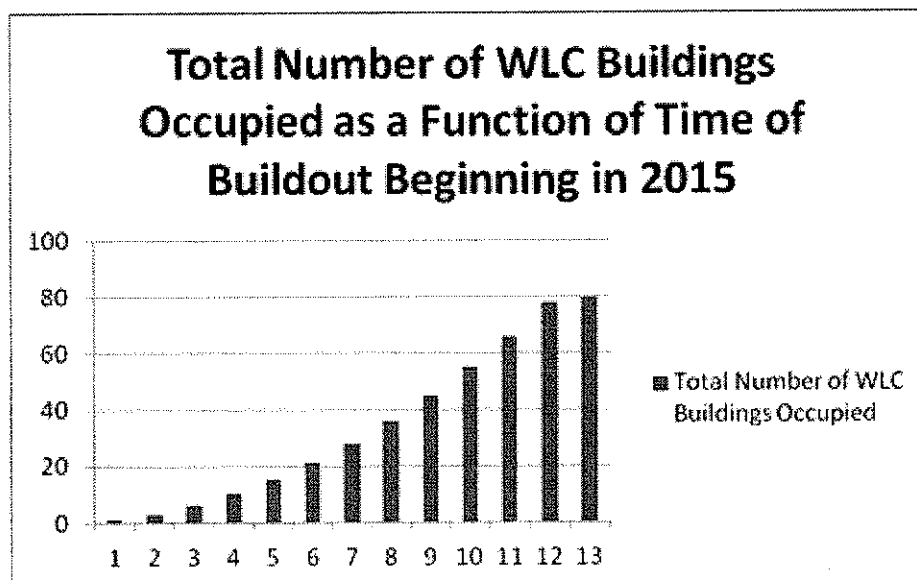
C.2.c.(1). The graph shows that with this build out, the WLC will, assuming excellent economic conditions, be fully occupied in 2027. Note that this occupancy rate would be significantly affected if the nation's economy goes through one or more recessions. The effect of such recessions is not included in this analysis. The probability is very great that any economic slowdowns could extend the date of full occupancy well into the 2030's. This, therefore, implies that the WLC will probably have empty warehouse buildings well into the 2030's.

C.2.c.(2). The bar graph shows that the WLC will not reach full occupancy of the projected Phase 1 build out (40 buildings) until 2023. Note that in 2020, (year 6 in the above chart), approximately 20 buildings constructed in Phase 1 may be occupied. Or put another way, 20 buildings from Phase 1 may still be empty.

3

D: **COMMENT:** Phase 2 build out does not need to start in 2017. The occupancy rate will be sufficiently low that Phase 2 can be delayed until 2021 or 2022.

D.1. Comment C (above) discussed the projected occupancy of the WLC as:



D.2. This graph shows the WLC build out as a function of time between 2015 and 2027, where 2015 is year 1, 2016 is year 2, etc.

D.2.a. The graph shows that with this build out, the WLC will be fully occupied in 2027. Note that this occupancy rate would be significantly affected if the nation's economy goes through one or more recessions. The effect of such recessions is not included in this analysis. The probability is very great that any economic slowdowns could extend the date of full occupancy well into the 2030's. This, therefore, implies that the WLC will probably have empty warehouse buildings well into the 2030's.

D.2.b. The bar graph shows that the WLC will not reach full occupancy of the projected Phase 1 build out (40 buildings) until 2023.

D.3. Furthermore, this graph shows that since full occupancy of the projected Phase 1 build out (40 buildings) won't be reached until 2023, buildings from Phase 2 won't be needed until 2024. Therefore the **Phase 2 build out does not need to start in 2017**, but, indeed, can be delayed until 2021, even 2022.

E. COMMENT: Moreno Valley must make concessions to prospective WLC occupants to induce the hiring of existing Moreno Valley residents, since non-Moreno Valley residents will not relocate to Moreno Valley, and thus will not reduce commuting.

E.1. According to the DEIR (Page 57, Appendix L, Traffic), "One consequence of the existing imbalance between jobs and housing is that a large majority (70%) of Moreno Valley workers commute to jobs outside the city, and in many cases far outside the city. According to the U.S. Census Bureau, 21.7% of Moreno Valley workers currently commute more than 50 miles one way to work, and another 20.8% drive 25 to 50 miles one way. Nearly four out of five Moreno Valley workers drive to work alone. Since other Inland Empire cities have similar commute characteristics, the resulting transportation pattern is one of heavy westbound flows in the morning and eastbound flows in the evening, overwhelming the freeway system during peak commuting hours. Another consequence is the high cost of commuting both in terms of out-of-pocket expenses and reduced quality of life for the commuters and their families."

E.1.a. The DEIR implies that one consequence of bringing 20,000+ jobs to Moreno Valley is the decrease in commuting distances, thereby alleviating congested freeway traffic patterns.

E.1.b. The *Claremont McKenna College – UCLA Inland Empire Forecast, October 2012*, study states that workers that are more than 50 miles away from the Los Angeles county line are not concerned about employment in Los Angeles; instead they are concerned about jobs within 50 miles of their residence.

E.1.b.(1). It can be inferred from this study that most people will not relocate to another residence (closer to their place of employment) if the job is located within 50 miles from their home. This implies that workers at WLC whose residence is within a reasonable driving range (say 25 to 50 miles) from the WLC will not relocate and will not become Moreno Valley residents. Hence those employees

will not have any direct effect on traffic pattern changes.

E.1.b.(2). The DEIR (Page 21, Appendix O, Fiscal/Economic Impact) states that "because the Center does not involve a residential component, the jobs generated by the Center do not need to support new households as a result of direct or indirect employment." This can be taken to imply that the DEIR agrees with the fact that most WLC employees will not relocate to Moreno Valley.

E.1.b.(3). It is necessary that Moreno Valley make concessions during discussions with potential occupants of the WLC, to induce those companies to hire Moreno Valley residents. This will help improve the Moreno Valley unemployment rate and help reduce traffic in Riverside County.

E.2. No evidence is given that simply by establishing 20,000+ new jobs in Moreno Valley at the WLC there will be any significant freeway traffic pattern changes due to commuting employees. In fact, the reverse is true, and there is a study (*Claremont McKenna College – UCLA Inland Empire Forecast, October 2012*), which indicates that **employees will travel up to 50 miles one way for jobs.**

5

F. **COMMENT: The DEIR needs to state explicitly that even though the WLC may improve the Job-Housing Ratio, it may not improve the job situation for Moreno Valley residents.**

F.1. Many Moreno Valley residents are of the opinion that the WLC will bring jobs to current Moreno Valley residents. While it is possible that some Moreno Valley residents will have jobs at the WLC, it is highly probable that most WLC jobs will go to non residents of Moreno Valley.

F.1.a. The DEIR (Page 21, Appendix O, Fiscal/Economic Impact) states that "at build out, the Center will significantly affect the Jobs-Housing balance". It is true that if Moreno Valley gets more jobs and if no new housing is built, then the ratio of jobs to housing improves from its current value. However, this ratio is deceiving for Moreno Valley residents, many of whom assume that this means that Moreno Valley residents will get the new jobs.

F.1.b. This is validated by the fact that when Sketchers shuttered several places in the Inland Empire in order to relocate to Moreno Valley, the new facility, apparently, hired only one more Moreno Valley resident.

F.1.b.(1). Mayor Stewart is quoted in a Press Enterprise article of February 1, 2012 that "he knows of one Moreno Valley man who was hired for an engineering job".

F.1.b.(2). In the same article, Moreno Valley's Economic Development Director Foster was quoted "that ...the last time I talked to them they said 600 jobs, and said a lot are coming from Ontario."

F.1.b.(3). The article also states that "Foster ... know[s] of no local recruitment events by the company".

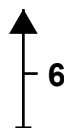
F.1.b.(4). As discussed in Section D.1.a.(2) and D.1.a.(2).a., given above, **employees will travel up to 50 miles, one way, for jobs, and the establishment of 20,000+ new jobs in Moreno Valley, in the WLC, does not imply that these new position will be filled by Moreno Valley residents.**

F.2. The DEIR needs to state explicitly that even though the WLC may improve the Job-Housing Ratio, it may not improve the job situation for Moreno Valley residents.

F.2.a. Moreno Valley residents need to be educated on this fact by the Moreno Valley City Council.

F.2.b. While the Moreno Valley City Council cannot force occupants of the WLC to hire Moreno Valley residents, the city needs to make concessions during discussions with potential occupants

that will entice them to hire Moreno Valley residents. As noted above, Sketchers, apparently, did not attempt to hire Moreno Valley residents via recruitment events.



G: **COMMENT:** The Trip Generation Rate Parameter in the WLC is overly pessimistic for Traffic Data, and is questionable for Air Quality Data. The data from the DEIR is suspect and may result in improper mitigation measures. In order to evaluate the actual traffic impact and air quality impact, and thus determine the feasibility of implementing Phase 2, the developer should conduct Air Quality and Traffic Analysis Studies during, and after, build out of Phase 1, and continue while Phase 1 is being occupied.

G.1. A study was performed by Urban Crossroads in response to a request by Moreno Valley on the "NAIOP High Cube Warehouse Trip Generation Study", 2011. This report can be found in Appendix T, Urban Crossroads Peer Review of the NAIOP Study, 2011, of the DEIR. It included an excellent summary of various attempts to determine the trip generation rate (trips/1000 sq ft of warehouse or trips/KSF).

G.1.a. Many studies have determined different values for the parameter "trips/KSF", but only a few have included data for facilities greater than 500,000 square ft.

G.1.b The following table summarizes some of these studies, and provides some of the individual characteristics of the data set in these studies.

Source of Trip Generation Rates	Reference Number (See Bottom of Section)	Daily Trips/KSF	General Comments
2003 Fontana Study	1	1.97	4 Buildings > 200,000 SF and 1 Building > 500,000 SF**
2005 NAIOP Study	2	1.096	1 Building > 200,000 SF and Two Building Totaling 800,000 SF**
2007 NAIOP Study	3	1.11	4 Buildings > 500,000 SF and 9 Buildings approximately 300,000 SF**
2008 ITE, 8th Ed.	4	1.44	11 Buildings > 500,000 SF and Occupancy Rate and Rail Accommodations Unknown**
2011 SCAQMD Study	5	2.59	2 Sigma Estimate and Not All Buildings in South California**
2011 NAIOP Study	6	0.99	31 Buildings > 500,000 SF**
2012 ITE, 9th Ed.	7	1.68	National Average Not Related to Southern California and Were Not Automated*
*Comment on 2012 ITE			Source: WLC EIR
** Comment on other entries			Source: Urban Crossroads, 2012

G.2. All the data given in the table above was listed in a study by Urban Crossroads, 2012. In evaluating this data, it becomes clear that there is wide disagreement in the warehouse community regarding the selection of a valid trip generation value. All of the studies prior to 2011 used a very small statistical sample of buildings larger than 500,000 square feet. This is important since it appears to be self evident that buildings of that size have their own unique efficiencies and air quality generation characteristics. It appears that the older studies should be ignored.

G.2.a. The *2011 SCAQMD study* was meant to assess the greater pollution impact of the heavier trucks used by the larger warehouses. The study did include larger warehouses. The study is criticized by the Urban Crossroads study for presenting two sigma trip generation values.

G.2.b. The comment by the DEIR authors consider the *2012 ITE study* invalid for application to the WLC since the *2012 ITE study* included warehouses throughout the country, and because the study included non-automated warehouses. The unstated conclusion here is that the WLC is expected to contain only automated warehouses.

G.2.c. The *2011 NAIOP study* included 31 buildings greater than 500,000 square feet, but no smaller buildings were included. Even though this study seems to be appropriate for the use of traffic analysis for the WLC, the applicability of the *2011 study* to air quality effects cannot be evaluated at this point.

G.3. Consequently, the fact remains as to which value should be used for air quality assessments and traffic analysis.

G.3.a. The DEIR states that "a decision was made to use the *ITE* rate as a "worst-case" scenario for the WLC project, even though the author disagreed with the *ITE* result. Consequently, the value of 1.68 was used to evaluate both traffic impacts and air quality degradation.

G.3.b. The use of the number 1.68 for trip generation, for traffic analysis, appears to be too high. The number .99 from the *2011 NAIOP study* seems to be more relevant to traffic studies in the Inland Empire, since this study included the

traffic impacts on Inland Empire traffic from 31 buildings greater than 500,000 square feet.

G.3.c. However, the use of the 1.68 parameter in air quality studies may or may not be sufficient. The question seems to be open as to whether the 1.68 value is appropriate or whether the 2.58 value (even though this seems to be a two sigma value) is better for Moreno Valley. Since the .99 value seems to be appropriate for traffic studies, which included heavy trucks, the value of .99 may be proper for air quality. More data is needed.

G.4. There currently is no data available to help the City Council determine a true cost/benefit analysis based on the fact that some of the "cost" drivers are not just financial, but also social in nature.

G.4.a. It is important that the dual "cost" drivers on the environment and the traffic degradation be fully understood because each of these can cause the City, County, and State, to perform costly mitigation measures that are either inadequate or are "overkill".

G.4.b. For example, one valid question is whether air filters are measures needed for Moreno Valley schools? Similarly, are all anticipated traffic mitigation efforts really necessary? Each of these components has a cost impact to the City, County, or State.

G.5. It is recommended that, as a condition for development, the WLC developer obtain and install appropriate traffic monitors at appropriate locations in Moreno Valley and Riverside County, and that the collected data be reviewed and used by proper government agencies to make appropriate decisions relating to traffic scenarios.

G.6. It is recommended that, as a condition for development, the WLC developer obtain and install appropriate air quality monitors in the Moreno Valley area for use by the SCAQMD for evaluation of air quality degradation due to the WLC project.

References:

- 1) *Trip Generation Study (August 2003), Page 1*
- 2) *San Bernardino/Riverside County Warehouse/Distribution Center Trip Generation Study (2005)*
- 3) *Riverside County Warehouse/Distribution Center Vehicle Trip Generation Study (2007)*
- 4) *Trip Generation Manual (8th Edition 2008), Page 272*
- 5) *NAIOP High-Cube Warehouse Trip Generation Analysis (2010)*
- 6) *Large Warehouse and Distribution Center Trip Rates (SCAQMD 2011)*
- 7) *Trip Generation Manual (9th Edition 2012)*

H. COMMENT: The potential "Cerrell Effect" of the WLC will reduce the ability of Moreno Valley to attract high-paying jobs of the proposed Medical School of the University of California, Riverside, and will galvanize citizens to become politically active.

H.1. According to the 1984 report *"Political Difficulties Facing Waste-to-Energy Conversion Plant Siting"* by Cerrell Associates, Inc., the California Waste Management Board commissioned the consulting firm of Cerrell Associates to define communities that won't resist siting of LULUs (Locally Undesirable Land Use). This was done to combat the offensiveness displayed by local citizens when a "trash dump site" was to be created in their neighborhood. Since then, the term "LULU" has evolved into an idiom connotating any land usage which the general populous considers as undesirable for the local community. And similarly, the "Cerrell Effect" describes the fact that proponents of some projects face the strong public opposition to these projects.

H.1.a. The Moreno Valley City Council, in conjunction with the WLC, is attempting to change the Moreno Valley Specific Plan to bring a LULU to this city. The added noise, pollution, and traffic which the WLC will bring to Moreno Valley is not in the interest of the citizens of Moreno Valley.

H.1.a.(1). By devoting a large portion of the city to warehouses, the City Council is condemning Moreno Valley to becoming a "lower class city", where new residents will think twice before relocating, and the current residents will be looking to move "up in the world" to other cities. The City Council is creating a LULU.

H.1.a.(1).(a). Instead of enticing the graduates of the proposed Medical School of the University of California, Riverside Campus, to live and work in Moreno Valley, the City Council is saying that we are more interested in bringing 20,000 low-paying "blue collar" jobs to the city, with no guarantee that any of our local

businesses will see a real increase in long-term revenue.

H.1.a.(1).(b). The city is touting its plans for a large biotechnical research development within its borders. This goal will not come to fruition if the WLC is built. These developments will seek sites in more prestigious locales, like Redlands, Corona, or even Orange County. Instead of helping Moreno Valley grow, the LULU will keep the city a "small, blue-collar, town" with bad air and bad traffic

H.1.a.(2). And while the Moreno City Officials are eyeing the projected \$5 million in excess city revenue as a blessing which could be used to possibility increase city employee wages and benefits, and to build the city infrastructure, (i.e., a beautiful symphony hall or performing arts center, etc.), they are ignoring the fact that long-time residents want a respectful, safe, city, where their families can enjoy the good air and open environment.

H.1.b. Since the WLC will be offering jobs typically associated with low education, Moreno Valley runs the risk of seeing more homeless or poor immigrants coming to the city. This will increase the need of providing assistance in food and shelter for some. Charitable organizations, like the Salvation Army, currently are not getting donations to support the current need, let alone an increase caused by the LULU.

H.2. As the "Cerrell Effect" takes hold, more citizens of Moreno Valley will become vocal. Citizen Interest Groups will increase. More citizens will become politically active, and many will become motivated to seek election on the basis that they do not support the LULU. When the "Cerrell Effect" maximizes, current elected city officials may see their chances of re-election being minimized, and notice a real backlash from the voting public.

I: **COMMENT: If the Moreno Valley City Council elects to proceed with the build of Phase 1 of the WLC,**

- a. It is recommended that the Council only approve Phase 1, 9
- b. It is recommended that the Moreno Valley City Council not commit to any changes to the Moreno Valley Planning Document that would prevent the City from not continuing with Phase 2, 10
- c. It is recommended that there be a data collection period of environmental, traffic, economic, and social data during the build out of Phase 1 and after the completion of Phase 1 for approximately three years, 11
- d. It is recommended that another EIR be developed and evaluated in 2020, 12
- e. It is recommended that the Moreno Valley City Council then use this second EIR before deciding whether to continue with Phase 2. 13

I.1. There are many different values that can be used to estimate the number of truck trips and car trips at the WLC facility. It was observed during recent analysis that even studies from 2011 and 2012 give conflicting information on the expected number of trips/Kilo Square Foot or trips/KSF of warehouse space.

Since this figure is used to estimate the impact on the WLC traffic, as well as on the Moreno Valley air quality, a reasonable man would conclude that additional information is needed for Moreno Valley officials to properly assess the impact of the WLC on both air quality and traffic conditions. Arbitrary use of the number 1.68 will probably result in an overestimate of traffic impact, while its use in estimating air quality is uncertain. 14

I.1.a. It is recommended that Moreno Valley require the developer of the WLC to obtain air quality sensors in Moreno Valley and traffic density evaluation sensors at appropriate locations around Moreno Valley beginning in 2013. It is further recommended that these sensors be operated by the developer for various government agencies, or that the developer turn these data sensors over to the appropriate government agencies.

- I.1.b. It is recommended that Moreno Valley and other government agencies collect and evaluate this data beginning in 2013, in order to determine better estimates for trip generations at the WLC during the build out of Phase 1, as well as during the beginning of occupancy of Phase 1 buildings. Since only a few buildings will be occupied in 2017, insufficient trip rate data during occupancy will have been collected by 2017. It is imperative that the data collection period be extended past 2017. Section D3 shows that delays of the build out of Phase 2 until 2021 or 2022 will not materially affect the occupancy of the WLC.
- I.1.c. It is recommended that another EIR be developed in 2020, in order to insure that Moreno Valley has good traffic data and environmental data from Phase 1 of the WLC, before continuing with Phase 2.
- I.2. The DEIR lists the probable number of employees per thousand square feet (KSF) as .5 employees/KSF.
- I.2.a. The David Taussig & Associates (DTA) study of the fiscal and economic impacts, lists the DTA Public Works database as a basic source for its estimate of .5 employees/KSF at the WLC. This database was inaccessible for online review by this author, and is probably a proprietary database. If the database is not proprietary, this database should be an online database. If the database is online, the DTA document should have indicated the website for that database.
- I.2.b. Reviews of the reference data sources indicate that the DTA value could not be verified. It is possible that the number may be as low as .37, or as high as .49
- I.2.b.(1). It appears that a reasonable man might conclude that the attained value in the DTA study in the DEIR cannot be relied upon for estimates of the number of employees in the WLC.
- I.2.b.(2). It is imperative that employment data must be collected once buildings begin to be occupied, to help insure that Moreno Valley officials can adequately plan for WLC impacts relating to economic, safety, and welfare. The collected data should be included in a subsequent EIR for the WLC.

- I.3. The DEIR is very optimistic in that all presented data in the document is based on a nearly 100 percent occupancy, without regard to the potential economic fluctuations in Southern California. This is unrealistic.

It is imperative that Moreno Valley obtain realistic estimates of the impact of economic fluctuations on the occupancy of the WLC. Recent history has shown that recessions can severely impact the economic health of Southern California, of the Inland Empire, and of Moreno Valley in particular. Even at this date, in 2013, the economic future of the Inland Empire is in question. It is imperative that any future EIR include an estimate of the probable effect on the WLC, and therefore, on Moreno Valley due to economic fluctuations.

- I.4. Phase 1 build out will be completed in 2017. During this phase, about 40 buildings of 500,000 square feet will be built. It is planned that another 40 buildings be built during Phase 2. The planned start date of Phase 2 is 2017; the planned completion date of Phase 2 is 2022.

An estimate was made of the probable occupancy of the 80 buildings of the WLC. This estimate indicated that the 40 buildings of Phase 1 will probably not be occupied until sometime in 2023. This indicates that Phase 2 does not need to be available for occupancy until sometime in 2023. Consequently, a delay of Phase 2 will not materially affect the marketing of Phase 2o buildings.

- I.5. It is recommended that there be a data collection period of environmental, economic, and social data both during the build out of Phase 1, as well as a period of approximately three years after the completion of the build out of Phase 1. It is important that such data be collected during the initial occupancy of the WLC buildings, and be included in the subsequent EIR.

- I.6. It is recommended that another EIR be developed and evaluated in 2020.

- I.7. It is recommended that the Moreno Valley City Council then use this second EIR before deciding whether to proceed with Phase 2.

- J. COMMENT: The DEIR was an excellent report. Specifically, the traffic analysis was thorough and well done. The major weakness of the report was that some major conclusions were made on some old or proprietary data.

RESPONSES TO LETTER G-90

Mr. and Mrs. H.W. Wolterbeek

G-90-0 Summary

In summary, the 0.50 employees per 1,000 building square feet figure utilized in the Draft Environmental Impact Report (DEIR) is a conservative estimate that is supported by all of the available documentation, including data published by the Southern California Association of Governments ("SCAG") (Exhibit A see DTA Exhibits on Flash Drive), the National Association of Industrial and Office Parks ("NAIOP") (Table 12 of Exhibit B see DTA Exhibits on Flash Drive), and the U.S. Energy Information Administration (Exhibit D see DTA Exhibits on Flash Drive). Claims in the commenter's letter that the number of logistics employees per 1,000 building square feet should be 0.37, or 0.43 or 0.45 all involve the use of data that has been misinterpreted, either because (i) it refers to square footage of land rather than building square footage, (ii) it is based on an arithmetic miscalculation, or (iii) it reflects employee ratios for all non-mall commercial properties, of which warehouses are only a small portion (12.9%). Additional data is not needed to support the 0.50 employees per 1,000 building square feet.

In terms of World Logistics Center's (WLC) anticipated average employee incomes, David Taussig & Associates, Inc. (DTA) is confident that the \$41,076 average income assessment (Exhibit F see DTA Exhibits on Flash Drive) for employees in the Transportation and Warehousing labor category for the Riverside-San Bernardino-Ontario Metropolitan Area (the "Metropolitan Area") according to the U.S. Census Bureau is a reasonable estimate. DTA has conducted additional research and has found similar data validating this average income estimate for Riverside County and for the Metropolitan Area as published by the State Economic Development Department ("EDD") and the U.S. Bureau of Labor Statistics ("BLS") (Exhibits H & G respectively see DTA Exhibits on Flash Drive). Both of these agencies list average incomes in 2012 for both the Warehousing and Storage labor category and the Transportation and Warehousing labor category in 2012 ranging from \$40,123 to \$41,709, all of which are within 2.3% of the \$41,076 figure. These incomes match those for all current City residents, for whom the median income according to the BLS is \$40,123. While it is certainly true that many WLC employees may fall into lower income categories, there is no justification for claiming that most jobs in the project are going to fall into the very low income categories cited in the commenter's letter. Furthermore, even these lower income jobs are an important component of the City's economy, as they meet the needs of students and other individuals who are new to the labor market and/or are seeking part-time work due to other obligations, as well as blue collar workers, family members from dual-income households, and other individuals who may be underemployed or unemployed. In any case, additional data is not needed to support an average project income of \$41,076.

Response to Comments G-90-1. The analysis included in the DEIR asserts that the project will include 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 40 hours per week that they are working. It takes two 1/2 time employees to equal one FTE employee. While supporting data indicating the number of FTE employees per 1,000 square feet in a database prepared on behalf of a client is proprietary to that client, we are also basing our conclusion, as explained in the Fiscal and Economic Impact Study included in the DEIR Appendix O on data from the Employment Density Study prepared for the Southern California Council of Governments ("SCAG") in 2001 (Exhibit A see DTA Exhibits on Flash Drive), as well as on information provided in "Logistics Trends and Specific Industries," which was prepared by the National Association of Industrial and Office Parks ("NAIOP") in 2010 (Exhibit B see DTA Exhibits on Flash Drive). While the proprietary database cannot be made public, the point in the DEIR was to rely on the two public studies cited in the previous sentence, both of which are easily found on the Internet. In utilizing the 0.50 employees per 1,000 building square foot figure, the lowest ratio provided by these two public studies was used, thereby reflecting the minimal number of employees that will be generated by the

project. While the commenter's letter cites these same studies, it miscalculates or misinterprets the data to uphold its position that these documents only support 0.37 employees per square foot, thereby alleging that the DEIR figure overstates the actual employee density by as much as 26%. The commenter's conclusions are therefore incorrect, as explained below.

Incidentally, the actual occupancy at the project will likely vary depending on the economic conditions existing at different points in time, with some years providing a greater demand for warehousing than others. Because it is impossible to predict which market conditions will prevail at any given time, the economic impact analysis included in this response is based on the assumption that the project will operate at full capacity. For comparison purposes, the DEIR has been revised to include a discussion of occupancy.

1. Commenter Overlooks Conclusions of SCAG Report and then Misinterprets Building Square Footage with Land Square Footage

The commenter's analysis of the SCAG Report is problematic for several reasons. First, the commenter appears to ignore data in Tables 9A, 9B, 10A, and 10B of the SCAG Report (Exhibit A see DTA Exhibits on Flash Drive) which clearly state that the median building square footage for a logistics employee in Riverside County is 819 to 1,390 square feet, and that the average building square footage for a logistics employee in Riverside County is 581 to 953 square feet. Square footage per employee averages are stated as ranges because the SCAG Report employee density calculations are based on two separate Floor Area Ratio ("FAR") assumptions; the median building square footage (0.31) and the mean building square footage (0.50). However, no matter which assumptions are chosen, the employees per 1,000 building square feet reflected in the SCAG Report far exceeds the 0.50 projection, much less the commenter's proposed 0.37 ratio. For example, using average employees and the average FAR, the number of employees per 1,000 building square feet based on the SCAG Report ranges from 1.05 to 1.72. These figures are more than double the 0.50 assumption, thereby confirming that an extremely conservative position regarding the number of employees to be generated by the project was taken.

Second, the commenter proposes using a 0.37 logistics employees per 1,000 building square feet projection that it claims to have derived from data in the SCAG Report. However, this figure has no validity because it reflects a miscalculation on the part of the commenter. Instead of dividing the SCAG Report's 16.32 logistics employees per acre in Riverside County by the number of building square feet constructed on a typical acre, based on an appropriate FAR for a logistics parcel, the Letter's authors divided the 16.32 logistics employees per acre (Table 10B of Exhibit A see DTA Exhibits on Flash Drive) by all of the square footage in an acre (43,560 square feet). The commenter's 0.37 employee ratio is based on the total square footage of land within an acre, not the building square footage located on an acre, which was the metric that was utilized throughout the DEIR and is clearly shown on the four SCAG tables cited above. Applying a 0.31 or a 0.50 FAR to the 0.37 land-based ratio and employing the identical net acreage and building efficiency factors utilized in the SCAG Report would generate the same 1.05 to 1.72 employees per 1,000 building square feet ratio described above.

2. Commenter Overlooks 0.50 Employees Per 1,000 Building Square Feet Factor Recommended in NAIOP Report

The commenter also overlooks language in the NAIOP Report (Exhibit B see DTA Exhibits on Flash Drive) that directly states that 0.50 employees per 1,000 building square feet is an appropriate number to use for this type of analysis. First, the commenter initially misquotes the range of square footage inventory listed in Table 1 of the NAIOP Study for four measurement years between 1992 and 2003 (8.48 to 11.48 million square feet) and then incorrectly states that these figures convert to between 0.45 and 0.49 employees per 1,000 building square feet. A weighted average analysis of the

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

figures in Table 1 was prepared and came out with 0.50 employees per 1,000 building square feet, which was the ratio that was utilized in the DEIR. The validity of this calculation is further supported in Table 2 on the following page of the NAIOP Report, which breaks down the logistics employees per 1,000 building square feet by U.S. region, with the “West Region” (in which the project will be located) yielding a ratio of 0.63 employees per 1,000 building square feet, which is also higher than the 0.50 ratio employed in the DEIR.

The NAIOP Report then further validates the 0.50 ratio by stating: “Given the variation, and the lack of data post 2003, the most reasonable assumption for projecting space needs is to use the average of 2,000 for the four measurement years, with the understanding that the reality could cover a wide range.” (Page 11, Exhibit B see DTA Exhibits on Flash Drive)

This concept of one employee per every 2,000 building square feet of warehouse is identical to the DEIR assumption of 0.50 employees per 1,000 building square feet.

3. NAIOP Data Sources Cited in DEIR Are Accessible

The commenter claims that the NAIOP support data for the 0.50 ratio could not be located. However NAIOP's main website (<http://www.naiop.org>) includes a research section that contains detailed reports on the characteristics of industrial warehouses constructed in recent years. There are separate reports entitled “How Office, Industrial and Retail Development and Construction Contributed to the U.S. Economy” in 2010 and 2011. For Table 12 in the reports for 2010 and 2011 from that site (see Exhibit C see DTA Exhibits on Flash Drive) reflect an average of 900 building square feet per employee for warehouses constructed in 2010 (equivalent to 1.11 employees per 1,000 building square feet) and 450 building square feet per employee for warehouse/flex buildings constructed in 2010 (equivalent to 2.22 employees per 1,000 building square feet). Again, these figures confirm that an extremely conservative estimate of logistics employee density was utilized in the DEIR. These figures also mitigate one of the commenter's concerns related to a NAIOP statement circa 2008 that “the uncertainty of employment projections, especially from the 2008 base year at the start of the recession, is also an important caveat.” The attached NAIOP tables were prepared after this statement was released and indicate that, if anything, the number of employees per thousand building square feet have increased in new logistics buildings since the recession began.

4. Commenter Cites Non-Applicable Employee Density Data from the Energy Information Administration

Finally, the commenter cites employee per 1,000 building square feet data from an Energy Information Administration (“EIA”) Commercial Buildings Survey published in 2003 as contradicting the logistics employee density ratios. However, the EIA data that the Letter cites applies to a whole range of commercial buildings, of which logistics buildings are only a small part. The commenter cites “EIA Summary Table B1, (Total and Means of Floorspace, Number of Workers, and Hours of Operation for Non-Mall Buildings, 2003)”, and then claims that “The EIA Reports indicate that the Mean Worker/KSF⁵³ was 0.43 for buildings supporting warehouse and storage activities.” But in actuality, the 0.43 figure in Table B1 reflects the number of employees per 1,000 building square feet for a large variety of types of commercial development, and excludes only retail mall facilities. As evidenced in Table B11 from this same EIA Report (attached as Exhibit D see DTA Exhibits on Flash Drive), out of 4,645 buildings surveyed to generate the 0.43 figure, only 597 (12.9%) were “warehouse and storage” buildings. Also included in the commenter's analysis were 824 office buildings, 443 retail buildings (other than those located in malls), 386 schools, 523 food sales and food service buildings, and many other commercial uses. As a result, the 0.43 employees per 1,000 building square feet estimate generated in the EIA Reports reflects employee density in a range of

⁵³ KSF= thousand square feet

commercial uses, not just warehouse and storage activities. Therefore, it does not contradict the 0.50 employee density for warehouse and other logistics uses cited in the DEIR.

Summary Response to Comment G-90-1

In summary, claims by the commenter that the number of logistics employees per 1,000 building square feet should be 0.37, or 0.43 or 0.45 are unsupported by any of the documentation provided, and are in fact contradicted by evidence from these same sources. The 0.50 estimate is the most conservative of any of the ratios provided by our documentation, and if anything, the logistics employees density that will ultimately be generated by the project may be higher, particularly with the increasing use of logistics projects for fulfillment facilities, which average higher numbers of employees per 1,000 building square feet. Additional data is not needed to support this conclusion.

Response to Comments G-90-2. The DEIR originally established an average income of \$42,341 for warehousing/transportation employees in Riverside-San Bernardino-Ontario Metropolitan Area. This income figure was based on data published in the U.S. Census Bureau's Longitudinal Employer-Household Dynamics Reports and confirmed by the U.S. Labor Statistics in May 2010 (both attached as Exhibit E see DTA Exhibits on Flash Drive). The data available from these two sources was then increased slightly (approximately 3% over the Census income average) to reflect a salary bump for management staff anticipated to be working within the project. However, in deference to DTA's desire to include only conservative estimates, we are eliminating the salary bump from the DEIR, and have rerun our model assuming that the project's employees will earn an average salary of \$41,076, as further explained below.

1. U.S. Census Data is Accessible and Supports an Average Warehouse Income of \$41,076

While the commenter claims that the data confirming the DEIR average income estimates could not be found on the Internet, such data is actually accessible by entering in Google the title of the U.S. Census Bureau report cited in the Study. The website for "U.S. Census Bureau's Longitudinal Employer-Household Dynamics Reports" includes an LED Extraction Tool that allows the user to access the DEIR average income numbers. Specifically, using the Extraction Tool, a user would choose California, Metropolitan Area, Riverside-San Bernardino-Ontario, Transportation and Warehousing, Male and Female All Ages, Full Quarter Employment Earnings, 1st Quarter 2012. At that point, a spreadsheet appears indicating a monthly income of \$3,423 per month over the past twelve months, or \$41,076 per year (see Exhibit F see DTA Exhibits on Flash Drive). The \$41,076 represents a 3.0% decrease in average salary from the DEIR's \$42,341, and reflects the average income figures for the latest reported 12-month period.

2. 2012 BLS and EDD Income Data Support the \$41,076 Average Income Estimate for WLC

As reflected in Table G-90.A, below, comparable County of Riverside and Riverside-San Bernardino-Ontario Metropolitan Area average income data for the Warehousing and Storage sector, as well as the larger Transportation and Warehousing sector, provided by BLS and EDD are consistent with the \$41,076 average income estimate discussed above. The five average income projections provided by these public agencies range from a low of \$40,123 to a high of \$41,742, all of which are comparable to the Census' \$41,076 average income estimate. As the U.S. Census, EDD and BLS are probably the three most credible sources of income information for the California workforce, to presume that the \$41,076 average income figure overstates the anticipated average earnings of an FTE employee, based purely on anecdotal information, would be inappropriate.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Table G-90.A: 2012 Average Income Data For Warehousing Industry Categories From California Economic Development Department And U.S. Bureau Of Labor Statistics

JURISDICTION/INDUSTRY	EDD [1]	BLS [2]
County - Warehousing & Storage	\$40,730	\$41,709
County - Transportation & Warehousing	NA	\$40,658
Metro - Warehousing & Storage	NA	\$40,123
Metro - Transportation & Warehousing	NA	\$41,742

County: County of Riverside | **Metro:** Riverside – San Bernardino – Ontario Metropolitan Area

1. Source: Employment Development Department ("EDD"). 3rd Quarter - 2012 statistics for Riverside County.
2. Source: Bureau of Labor Statistics ("BLS"). 2nd Quarter - 2012 average annual wages for all occupations in each respective sector.

Notably, the greater likelihood is that the \$41,076 average income figure understates the average income of future project employees. A typical logistics project does not include only warehousing and storage businesses. It also includes (i) wholesale trade, (ii) courier and messenger companies and (iii) truck and transportation businesses. While it is impossible to project the exact mix of industries likely to locate within the project, an estimate based on the current proportion of total employees that work in warehousing and storage in both Riverside County and in the Metropolitan Area, as compared with the total employees in each of these other three industries was prepared. An average employee income estimate for WLC using a weighted average of all four industries produced average incomes ranging between \$44,283 and \$49,753, as listed in Table G-90.B.

Table G-90.B: 2012 Average Income Data For All Projected Industries Likely To Locate In World Logistics Center, Based On Current Total County And Metro Employment Data

JURISDICTION/INDUSTRY	EDD [2]	BLS [3]
County - Four Categories (Blended) [1]	\$44,283	\$46,776
Metro - Four Categories (Blended) [1]	NA	\$49,753

County: County of Riverside | **Metro:** Riverside – San Bernardino – Ontario Metropolitan Area |

Notes:

1. Average of four applicable sectors defined by NAICS (#42-43 - Wholesale Trade, #492 - Couriers & Messengers, #484 - Truck & Transportation, and #493 - Warehousing & Storage), weighted by the number of employees in each sector.
2. Source: Employment Development Department ("EDD"). 3rd Quarter - 2012 statistics for Riverside County.
3. Source: Bureau of Labor Statistics ("BLS"). 2nd Quarter - 2012 average annual wages for all occupations in each respective sector.

While the FEIR will still utilize the \$41,076 average income derived from Census data and further supported by the government data sources reflected in Table G-90.A, there is actually reasons to believe that the average incomes might be higher than \$41,076, depending upon the mix of industries ultimately locating within the project.

3. Commenter's Survey of Available Jobs' Salary Levels Does Not Reflect Average Earnings Levels of Employees Working at WLC

The commenter collected salary information on warehouse/storage job offerings in the vicinity of the project by checking on indeed.com for new jobs that are located within 25 miles of Moreno Valley. The results of this salary search were average salaries between \$29,605 and \$39,407 per year. However, one only needs to review the same Census data previously reflected in Exhibit E (see DTA Exhibits on Flash Drive) and previously considered by the commenter to recognize that the salaries associated with job openings in the Inland Empire are consistently lower than those of permanent employees in that industry. As noted in Exhibit E (see DTA Exhibits on Flash Drive), while the average monthly earnings for the first quarter of 2012 were \$3,423 for transportation and warehouse employees in Riverside and San Bernardino Counties, the average new hire earnings in these two counties were only \$2,294. This means that the average worker in the transportation and warehouse sector earns almost 50% more than a new employee, which makes complete sense, since most new

employees have less experience and are hired in at lower entry level wages. Since the logistics sector does not only employ new hires, the fact that the commenter's survey of new hires generates a lower average wage than that which is earned by an average logistics employee should come as no surprise. Increasing commenter's survey results by 50% to get to the salary level of an average transportation and warehouse employee would further confirm the higher average salary level utilized in the DEIR.

4. The UC Riverside Publication Data Used by the Commenter to Justify Low Income Distributions for the Project are Not Reflective of the Entire Workforce to be Employed at the Project

The commenter further justifies its projected income distributions for WLC by quoting a UC Riverside publication that states that the hourly wages in the Inland Empire's warehouse industry are allegedly much lower than the figures suggested in the DEIR.

"The median hourly wages (i.e. half of the workers earn less than this amount) in the Inland Empire range from \$9.11 to \$13.08. This implies an annual wage of \$17,000 to \$25,000. The UCR study also states that temporary workers are frequently paid less than this (41% of these blue collar workers are paid less than \$10.50 per hour (Bonacich and DeLara 2009)."

Unfortunately, the commenter does not explain how *Bonacich and DeLara* purposefully selected specific segments of warehouse employees for its study. In reality, the intent of the *Bonacich and DeLara* study was to analyze **a specific subset of occupations in warehousing that are categorized as "blue collar"** who in fact earn significantly less than other occupations within the warehousing industry. The occupational titles addressed in the *Bonacich and DeLara* study are: "Shipping, Receiving and Traffic Clerks", "Stock Clerks and Order Fillers", Industrial Truck and Tractor Operators", Laborers and Freight, Stock and Material Movers, Hand", and "Packers and Packagers, Hand." These titles were taken from the Occupational Employment Statistics ("OES") published by the California Employment Development Department ("EDD"). But within the OES, there are actually a total of 56 occupational titles that fall under the "warehouse" category, and the five categories utilized in the *Bonacich and DeLara* study, which represent 56.2% of the employees working in the Storage and Warehouse category nationally according to May, 2012 released by the Bureau of Labor Statistics¹, are among the lowest paying. Among the 51 positions not included on *Bonacich and DeLara's* list are skilled mechanics, electricians, plumbers or any white collar positions such as administrative personnel, sales staff, computer professionals, engineers and management, among dozens of others. The *Bonacich and DeLara* study, even assuming that its income data is accurate, was never intended to reflect the income distribution of all of the employees working in a logistics facility. For the commenter to use this data as a justification for stating that "most workers at WLC will be earning wages of approximately \$20,000" is at best disingenuous. To further allege that "most of these workers are Latino, of which half are immigrants" is both irrelevant and inappropriate.

5. A Range of Job Opportunities at a Variety of Salary Levels Will Be Made Available Through the Project

The commenter includes a series of graphs that imply that the DEIR does not recognize that there will be a wide distribution of incomes among workers in the project. The concept of "average" income for an FTE WLC worker was used in the fiscal and economic impact studies for purposes of measuring the total sales tax revenues, economic output and other factors generated by the project, and was in no way intended to imply that every employee will earn the average income. The commenter includes a graph in Section B.5.B (4) that presents the DEIR salaries as two monolithic lines representing average non-management and management salaries, as compared with the commenter's own graph

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

which includes a distribution of incomes. The former graph misstates the DEIR's position, as we are in complete agreement that there will be a distribution of incomes around our average income figures.

However, the DEIR does not agree with the specific income levels listed and graphs provided by the commenter, as the sources utilized by the commenter to reflect income distributions significantly overstate the low incomes associated with logistics facilities. As explained above, the earnings indicative of new hires in Moreno Valley are much lower than those associated with average employees in a Moreno Valley logistics facility. In fact, the average earnings of a logistics employee are 50% more than the average earnings of a new hire. Therefore, the distribution of average incomes for all logistics employees will typically be 50% higher than the incomes shown in the commenter's income distribution graphs which are entirely based on new hire incomes.

6. Commenter's Average Income Estimate from Census Data Includes Employees Who Worked Only a Portion of the Quarter or Who Worked Part-time

The commenter apparently was able to find the Census Bureau table utilized in the DEIR, but identifies an average wage of \$38,463. In reviewing that same table, an income average that was exactly identical to the Letter's \$38,463 could not be identified, but was able to come up with a number that was close (\$38,652). But that figure is misleading, as it includes the average monthly earnings for the quarter of all employees who worked on the last day of the reference quarter. This includes employees who were only employed for a portion of the quarter, as well as part-time workers, so their incomes are not representative of those who were employed full-time for the entire quarter, which is the projected average income used for the project. There are several reasons why the commenter's Census average income figure was not utilized. First, it is likely that some of the employees who only worked for part of the quarter are actually full-time workers and first started their jobs during the quarter, meaning their total earnings for this particular quarter are not representative of their future earnings on the job. The income figure used represents all employees who worked the entire quarter, which is clearly more representative of a FTE employee than the incomes of those who did not work the entire quarter. Second, including the total earnings of employees who worked only part-time over a three-month period leads to an understatement of both the average pay levels of FTE employees, and the average hourly salary paid to workers in the project, since these employees did not work the 520 hours commensurate with a standard quarter. All of the data provided in the DEIR, including the 0.5 employees per 1,000 building square feet assumptions discussed above, refer to FTE employees, which means either full-time employees, or combinations of part-time employees who, when combined, equal one full-time employee. Defining each part-time employee as a separate employee would increase the number of employees per building square foot, but would also be misleading in terms of measuring the actual numbers of employees generated. Similarly, including part-time employees' income in determining average annual incomes would produce average income data that is not reflective of the incomes of the FTE employees who will be working at the project.

Finally, while a certain portion of project employees will earn less than the average projected income because they work part-time or in jobs requiring lesser skills, any implied denigration of this type of work as it relates to the project underestimates its importance. Part-time jobs, for example, make a significant contribution to the local economy and the overall community. These jobs are often the only sources of income for students, working parents with childcare responsibilities, caregivers for elderly relatives, retired persons, employees with other part-time jobs, and individuals who just wish to work part-time for other reasons. In addition, in many cases a part-time job may be held by an individual in a two-income or even three-income household, so the income of the part-time employee is not in any way reflective of the overall economic status of the household to which the employee belongs.

7. Bureau of Labor Statistics Data Sources Cited in DEIR Are Accessible

The commenter asserts that its authors were unable to locate the BLS figures used to project the project's average income levels. This information is available through the main www.bls.com webpage. The main webpage includes a "Databases and Tools" option, and after choosing that option and selecting "State and County Salaries and Wages" and "One Screen Data Search," a Query Tool appears. Using this tool, one needs to select California, Riverside County, Transportation and Warehousing, Privately Owned, All Establishment Sizes, and Average Annual Pay, at which point a listing of average annual pay for this sector from 2001 through 2011 appears (see Exhibit G see DTA Exhibits on Flash Drive). The average salary listed for 2011 is \$41,008, which is slightly lower than the \$42,301 originally used in the DEIR as a result of the management income bump added. But as noted above, the management income bump has been removed, so that the EIR will now be using the Census' most recent four-quarter income average of \$41,076 (see above). This is almost identical to the \$41,008 average income figure for the Transportation and Warehouse labor category provided by the BLS, and is therefore a conservative estimate.

Summary Response to Comment G-90-2

The information compiled, as described in the DEIR and this response, is more than sufficient to justify a projected average income level of \$41,076 for the project. The data provided by the commenter is not applicable to the broad spectrum of skill levels and experience anticipated for persons employed in the project, and the Census, EDD and BLS documentation discussed in the DEIR and this response clearly support the \$41,076 projected average income.

Regarding the issue of WLC employee incomes, one key theme that appears consistently in this section is an inherent bias regarding the characteristics of the employees likely to work in the project. There is an implication throughout the comments that a typical project employee is somehow of lesser economic status than is appropriate for the City. Project employees are assumed to be overwhelmingly entry level, unskilled and/or temporary workers who will earn as little as \$9.11 per hour and will be a burden to the existing community. This implication is ironic because, in point of fact, the current median income for a Moreno Valley resident is \$40,124 according to the BLS 2007-2011 American Community Survey 5-Year Estimates. While this BLS figure is the median income rather than the average income and therefore is somewhat differently defined, it is informative on a comparative basis that the City's median income is actually slightly less than the \$41,076 average income projected in the DEIR for the project. Contrary to the inference by the commenter that the WLC's jobs would somehow constitute a burden on the City, it appears that the incomes associated with these jobs are similar to the earnings of current Moreno Valley residents, many of whom are likely to be attracted to these work opportunities, especially when compared to the alternative of underemployment or unemployment. Furthermore, as previously stated, it is likely that a percentage of the jobs in the project will be held by individuals who belong to dual-income households or families, and in some cases even three-income households (e.g., students living a home). To imply that a two or three income family in which one family member earns \$41,076 will have a negative impact on the City's economy is an unreasonable assumption.

This is not to say that some of the employees working in the project won't be single earner households receiving incomes below \$41,076. For example, a recent study published in the August, 2010 edition of "Monthly Labor Review" noted that 19.4% of the employees in the "Transportation and Material Moving" sector nationwide were "temporary help service employees (see Exhibit G on Flash Drive). As noted in the study, "workers in the temporary help services industry, also referred to as contingent, contractual, seasonal, freelance, just-in-time, or "temp" employees, are those whose salaries are paid by a temporary help services agency that supplies them, upon request, to employers looking to fill a temporary full- or part-time staffing need." Clearly, many of these employees are likely to earn below the \$41,076 mean income reflected in the documentation cited in this memo. However, this fact does nothing to invalidate the average income cited in the DEIR, as 80% of the employees in

Final Programmatic Environmental Impact Report

Volume 1 – Response to Comments

World Logistics Center Project

the "Transportation and Material Moving" industry are not temporary workers hired through a help services agency.

Furthermore, even the lower paying jobs would constitute an asset for the City, as many of the residents of Moreno Valley and its environs are blue collar workers from a variety of ethnic groups for whom work in a logistics facility represents an outstanding economic opportunity. Similarly, unskilled laborers also require work, and some of the lesser skilled jobs are crucial to their subsistence. With the decline in manufacturing jobs throughout the Inland Empire due to the outsourcing of this work to other countries, the logistics sector is one of the few growing job sources for Moreno Valley and Inland Empire residents who do not have postsecondary degrees. These positions include not only opportunities for blue collar work related to trucking, dock work and freight handling, but also white collar occupations such as logistics and sales management and freight forwarding. The commenter's lack of recognition of the job opportunities associated with the project in the context of the qualifications of the available workforce residing in the Inland Empire, as opposed to the commenter's preoccupation with an alleged overabundance of lower income jobs, is indicative of its less than objective assessment of the project.

Response to Comments G-90-3. In response to comments prepared by the commenter, the Economic Impact Analysis (EIA) has been revised to include a discussion relating to occupancy and absorption rates. Per the applicant's projections, the project is expected to be built-out by 2031. Given current market conditions, the project is expected to achieve a high rate of occupancy during and after build-out, notwithstanding the cyclical impacts of the economy. For purposes of demonstrating the impacts of vacancies, a 10% vacancy rate has been incorporated into the EIA calculations for comparison purposes. While it is true that the market is cyclical in nature and changes in absorption are inevitable and difficult to predict, we do know that there is currently a substantial demand for logistics facilities within the Inland Empire, which is encouraging in terms of our expectations regarding the first phase of the project.

Furthermore, a study prepared by the Southern California Association of Governments ("SCAG") titled *"Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities."* (Exhibit O see DTA Exhibits on Flash Drive) supports the need for more warehousing space. The study's Executive Summary states the following:

- "According to assumed growth rates, the region will run out of suitably zoned vacant land in about the year 2028. At that time, forecasts show that the demand for warehousing space will be approximately 1,023 million square feet (Page ES-1; Exhibit O see DTA Exhibits on Flash Drive).
- During the year 2035, there will be a **projected shortfall of space of about 228 million square feet**, unless other land not currently zoned for warehousing becomes available." (Page ES-2; Exhibit O see DTA Exhibits on Flash Drive).

The WLC will contribute to the supply of warehouse space necessary to satisfy a portion of this demand. This SCAG Report supports other data presented by DTA in its responses to DEIR comments that there will be more than sufficient demand to support the WLC.

The commenter is also concerned about the projected mix of modern high-cubed and regular warehousing in the project. While it is impossible at this time to project the actual mix that will be constructed, future construction will reflect the specific future demands of the logistics marketplace during the buildout process. As a result, the applicant has sufficient confidence in the overall longevity and success of WLC that it has been and continues to invest millions of dollars to entitle the project and build the necessary upfront infrastructure.

Response to Comments G-90-4. Please refer to Response to Comment G-90-3. While the applicant is confident regarding the projected build-out period, decisions relating to the ultimate construction time-line/schedule will be based on actual market conditions.

Response to Comments G-90-5. The commenter reiterates the Traffic Impact Analysis' (TIA) discussion of the existing commuting patterns of Moreno Valley residents and the TIA's claim that the WLC will shorten commute distances. He cites the *Claremont McKenna College – UCLA Inland Empire Forecasts, October 2012* which the commenter says states that workers that are more than 50 miles away from the Los Angeles county line are not concerned about employment in Los Angeles; instead they are concerned about jobs within 50 miles of their residence. Based on this the commenter states that workers will not relocate to live in Moreno Valley to work at WLC and that there is no evidence that there will be any significant change in freeway traffic pattern due to the WLC. He suggests that the City make concessions with potential occupants of the WLC to induce them to hire Moreno Valley residents.

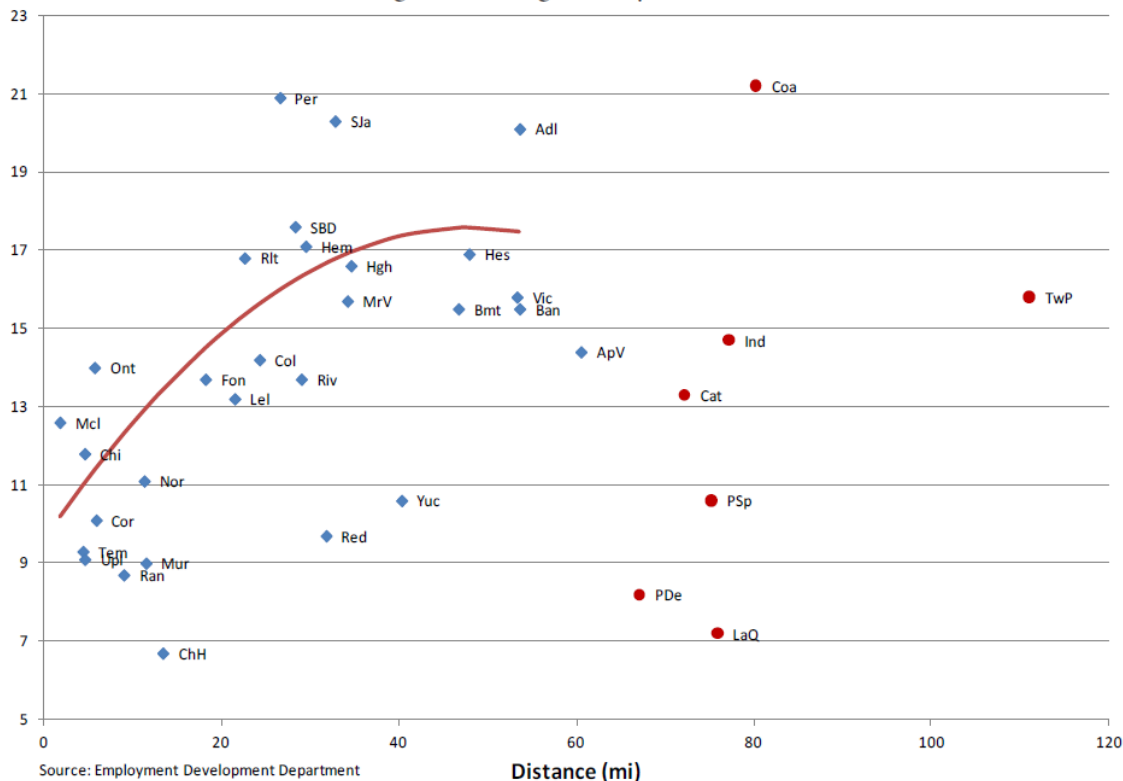
The commenter appears to be misinterpreting the *Claremont McKenna College – UCLA Inland Empire Forecasts, October 2012* study. The passage of the report cited in the comment is shown below (from page 24 of the report):

"There is substantial variation across these cities, spanning from less than 7% in Chino Hills and La Quinta to greater than 18% in Adelanto, Coachella, Perris, and San Jacinto. Excluding the cities in the Coachella Valley, there appears to be a geographical pattern: cities bordering Los Angeles, Orange, and San Diego Counties tend to have lower unemployment rates. Note that unemployment rates are measured by residency, not by location of employment. For example, a resident of Rancho Cucamonga who commutes to Los Angeles County for employment and who loses her job will increase the unemployment rate of Rancho Cucamonga and San Bernardino County, but not the unemployment rate of Los Angeles County. This is true for many workers in the Inland Empire given that roughly one-third of the region's labor force commutes cross-county for employment.

To test our hypothesis that the distance to the nearest coastal county line matters for city unemployment rates, we look at a cross plot of city unemployment rates and distance between the respective cities and their "point of entry" to the west and south. We exclude the six largest cities of the Coachella Valley from our analysis since very few workers from this area commute to Los Angeles or Orange County. Figure 4 supports our hypothesis that location matters in determining city unemployment rates: moving 20 miles into the Inland Empire increases city unemployment rates by approximately 5 percentage points (see, for example, Upland and Fontana). This effect becomes less significant when a worker commutes an additional 20 miles - Moreno Valley's unemployment rate is only another 2.5 percentage points higher than the previous 5 percentage points. Unsurprisingly, geographical distance to the county line ceases to display an effect after 50 miles: commuters from Victorville are more concerned about the job situation in Rancho Cucamonga than in Los Angeles."

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Figure 4 City Unemployment Rates in the Inland Empire and Distance to Greater Los Angeles/San Diego County Line, 2011



The passage refers to the author's theory that distance from the job centers in Los Angeles and San Diego Counties affect the unemployment rate of cities in neighboring counties but that this effect appears to disappear for cities more than 50 miles from the Los Angeles County line (the cities are shown in red dots in the graph above, which was copied from the report). There is no connection between this theory and whether or not workers might relocate to Moreno Valley if the WLC were to be built.

The TIA's statement that building an employment center in an area with an existing large labor force but few jobs would enable some workers to obtain employment at WLC and thus make shorter commutes is supported by traffic modeling and everyday experience (TIA, Chapter 4, Section D).

Response to Comments G-90-6. The commenter questions the jobs/housing balance ratio in the City. While it is likely that some of the jobs may be filled by City residents who possess the skills and/or education required, 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 over a period of time. The impact of the project on the jobs/housing balance in both the City and throughout the Inland Empire cannot help but be improved by the potential 20,000 jobs to be generated by the WLC, especially because the project itself contains no residential development within a City that has one of the lowest jobs/housing balances in all of the Inland Empire. In fact, both the City and the Inland Empire have a surplus of homes versus jobs, which causes residents to drive to LA and Orange County for work, leading to traffic congestion, less family time and an overall lower quality of life. As noted in Section 4.3 of the DEIR, the City's Jobs-Housing Balance is currently 0.47, which is one of the lowest of any City in the Inland Empire. Riverside County as a whole only has a Jobs-Housing Balance of 0.74. As the norm throughout Southern California ranges between 1.0 and 1.29

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

jobs per household according to SCAG's landmark 2001 study *"The New Economy and the Jobs/Housing Balance in Southern California,"* both the City and the County are badly in need of jobs. As a result, the average commute distance for a Riverside County resident of 21.6 miles according to the study was higher than any other County in Southern California. Improving the jobs/housing balance is one of the many attributes of the WLC.

In addition, the Development Agreement includes a provision for a local Hiring Program that will help give hiring preference to Moreno Valley residents (see Response to Comment G-33-9).

Response to Comments G-90-7. The commenter states that the trip generation rate in the TIA (the ITE trip generation rate of 1.68) is too high for the traffic analysis and possibly too low for the air quality analysis. The commenter then goes through the trip generation rates found in different studies and concludes that the older studies are flawed and should be ignored. He states that trip generation rate of 0.99 from the NAIOP study seems to be appropriate for traffic studies in the Inland Empire. He also requests that air quality monitors be installed to enable South Coast Air Quality Management District (SCAQMD) to evaluate air quality degradation due to the WLC.

The City concurs that the trip generation rate used in the study for high-cube warehouses (1.68 vehicular trips per thousand square feet per day (VT/KSF/day)) is conservative, that the AQMD rate (2.58 VT/KSF/day) is not appropriate (the AQMD does not recommend its use when more than 10 warehouses are analyzed together) and that the rate found in the NAIOP study (0.99 VT/KSF/day) represents a more likely outcome. The City does not see the logic behind, and disagree with, the commenter's suggestion that an over-estimate of truck volumes might result in an under-estimate of truck emissions.

Ambient air quality monitors would not effectively monitor emissions from the WLC. Ambient air quality monitors are unable to monitor emissions from specific sources; instead they measure the contribution of all sources of air pollution to local air quality. Air quality surrounding the WLC site would be impacted by project-related trips, background trips in Moreno Valley (particularly from SR-60), and from upwind sources from Los Angeles County to Riverside. In addition, much of the air quality impact from the proposed project is disperse, spread out along arterial roadways and freeways some distance from the WLC. SCAQMD has already established a network of regional air quality monitors to provide air quality data for the South Coast Air Basin. As a result, the proposal for SCAQMD monitors at the WLC site would not effectively monitor project impacts.

Mitigation Measure Trans-1, described in Chapter 11 of the TIA (FEIR Volume 2) and included in the EIR as Mitigation Measure (MM) 4.15.7.A, requires the submittal to the City of a subsequent TIA with each Plot Plan application for subsequent projects within the WLCSP. This would include new traffic counts and LOS analyses to determine whether the existing or increases in the capacity of the road network has kept pace with the growth in traffic. The purpose of the subsequent TIAs is to determine if any of the traffic improvements listed in Tables 72 through 77 of the TIA prepared for the EIR are required to be completed prior to the issuance of a certificate of occupancy for each building in the Plot Plan. Based on the City approved subsequent TIA, improvements required to be constructed in order to ensure traffic impacts resulting from operation of the building shall be made a Condition of Approval of the Plot Plan and the improvements must be constructed prior to the issuance of a Certificate of Occupancy for the building.

The commenter recommended that as a condition for development, the WLC developer obtain and install appropriate air quality monitors in the Moreno Valley for use by the SCAQMD for evaluation of air quality degradation due to the WLC project. Installation of air quality monitors in the Moreno Valley area would not be able to uniquely distinguish any impacts from the project vis-à-vis impacts from the surrounding region. This is the reason why air dispersion modeling was used to isolate the specific impacts from the WLC project. The air dispersion modeling takes the project's specific emissions and

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

disperses these emissions by the prevailing meteorological data to derive project-specific impacts at both nearby and distant receptor locations.

Response to Comments G-90-8. The commenter states that the “potential Cerrell Effect of the WLC will reduce the ability of Moreno Valley to attract high paying jobs of the proposed Medical School of the University of California, Riverside and will galvanize citizens to become politically active.” According to the commenter, the “Cerrell Effect” describes the fact that proponents of some projects face strong public opposition to projects that result in a locally undesirable land use; otherwise known as a “LULU.” While the warehousing industry may not pay wages that are as high as those of a Medical School, the highest and best use for property is determined based on the economic demand for a particular land use for a site in a given location. As the current owner of the property, the applicant has determined that the comparative demand for various land uses for the WLC site is such that logistics is the highest and best use for the site. In particular, the need for logistics facilities in the area is immediate, while the location of a medical school on the site is speculative at best. Furthermore, the construction of the project is expected to attract additional non-residential development that is necessary to provide services to the WLC, which in turn will draw more businesses to the City. In addition, employees wanting to live near their place of work will increase demand for nearby residential communities, thereby driving up residential property values in other portions of the City. Finally, the WLC itself will increase the City's revenues. Per the DEIR, the assessed value (once the WLC is built-out) is expected to be approximately \$3.7 billion, which will significantly increase the City's tax base. The City Council will decide if the project is a locally undesirable land use.

Response to Comments G-90-9. The commenter encourages the City to only approve Phase 1 (approx. 20 million square feet). It is up to the discretion of the City to determine what action should be taken on the project application. The City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project.

Response to Comments G-90-10. The commenter encourages the City Council to not approve Phase 2 at this time relative to the “Moreno Valley Planning Document” (assume that means the General Plan). It is certainly up to the discretion of the City to approve the project as proposed, approve only a portion of the proposed development at this time with time restrictions, or to approve the entire development conditional on it achieving certain performance standards (e.g., trip generation). However, the WLCSP is the project submitted to the City for review and action, including the evaluation in this EIR. There would need to be legal justifications denial or for substantial modifications or delays other than what has been outlined in the project applications. The City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project.

Response to Comments G-90-11. The commenter has asked the City to require actual data from Phase 1 before approving Phase 2. As outlined above in the Response to Comment G-90-10, the City has the discretion to approve the project as proposed, approve only a portion of the project with time restrictions, or to approve the project subject to certain performance standards.

Response to Comments G-90-12. The commenter has asked the City to prepare a second EIR after 2022 to see if the actual impacts match the predictions. As outlined above in the Response to Comment G-90-10, the City has the discretion to approve the project as proposed, approve only a portion of the project with time restrictions, or to approve the project subject to certain performance standards.

Response to Comments G-90-13. The commenter has asked the City to prepare a second EIR after Phase 1 has been completed to see if the actual impacts match the predictions. As outlined above in the Response to Comment G-90-12, the City has the discretion to determine what action should be taken on the project application.

Response to Comments G-90-14. The commenter repeats his statement that the trip generation rate in the TIA (the ITE trip generation rate of 1.68) will probably result in an over-estimation of traffic impact. He suggests that the project's impact on air quality is uncertain and repeats his request that air quality monitors be installed to enable SCAQMD to evaluate air quality degradation due to the WLC. He would like for this to occur during Phase 1 of the WLC before continuing to Phase 2.

The City concurs that the trip generation rate used in the study for high-cube warehouses (1.68 VT/KSF/day) is purposefully conservative to ensure that there would be no under-estimation of traffic impacts. With regard to air quality monitors, please see Response to Comment G-90-7.

The commenter also questions the use of the trip generation figures used in the EIR, and ties it back to only approving Phase 1 development now. The trip generation data used in the project traffic impact assessment (TIA) was based on data collected on many similar types of developments by the Institute of Transportation Engineers (ITE) in its latest Trip Generation Manual (2013). Further, as pointed out in the comment, the trip generation factor used may have overestimated the traffic and its impacts.

The commenter requested air monitoring for the project. However, the air quality in this area is complex based on the result of air movement and pollutants transported from the Los Angeles and Orange Counties, and would not yield results directly applicable to the WLC project. It would be much more appropriate to identify specific mitigation for individual developments within the WLCSP and monitor implementation of those measures, based on the comprehensive air quality analysis supporting the EIR and subsequent air studies for future development once specific development projects are proposed.

Response to Comments G-90-15. Please reference Response to Comment G-90-1

Response to Comments G-90-16. Please refer to Response to Comment G-90-3.

Response to Comments G-90-17. Please refer to Responses to Comments G-90-3 and G-90-4.

Response to Comments G-90-18. The commenter again wants the City to approve only Phase 1 and collect environmental data on that development to determine if Phase 2 should be built. As outlined above in the Response to Comment G-90-9, the City has the discretion to determine what action should be taken on the project application.

Response to Comments G-90-19. The commenter again recommends a second EIR in 2022 after Phase 1 has been built. The City has the discretion to add this into the project approvals, but it should be noted that Phase 1 of the WLC project has already been moved from 2017 to 2022 based on current market conditions and the pace of the CEQA process for the project. The technical studies have all been revised to address this new phasing plan. CEQA review will be required in connection with each plot plan application. A Supplemental EIR will be required if there are significant changes in the circumstances surrounding the project or if something new is learned. See CEQA Guidelines Section 15162. Also see DEIR Section 3.7.2.4.

Response to Comments G-90-20. The commenter asks the City to use the second EIR (in 2022) to decide if they want to proceed with Phase 2. This comment is addressed in the Responses to Comments G-90-19 and G-90-12. The City does have the discretion to identify sequential review points for the WLC project.

Letter G-91: Gary Matheny (March 27, 2013)

March 27, 2013

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

RECEIVED
APR 11 2013
CITY OF MORENO VALLEY
Planning Division

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3
-

Sincerely,

Gary Mathew
(signature)

Property owner:

Name

GARY MATHew

Address

28676 HighPoint Ave
Moreno Valley, CA. 92555

APN#

RESPONSES TO LETTER G-91

Gary Matheny (March 27, 2103)

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-91-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-91-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-91-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-92: Val and Marcella Garcia (April 11, 2013)

RECEIVED

APR 11 2013

CITY OF MORENO VALLEY
Planning Division

March 27, 2013

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
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- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3

• Mrs. Terrell I have owned a home at this end of the valley since 1978. Please we do not any more logistics center warehouses over here. Please leave well enough only & say no to the building of this center. If the city council is in the back pocket of the Borgeani person they are not doing their job they were elected to do and that is the to take into

Sincerely,

(signature) Marcilla E. Garcia

Property owner:

Name

Vol & Marcilla Garcia

Address

14115 Wilmot StMoreno Valley92552

APN#

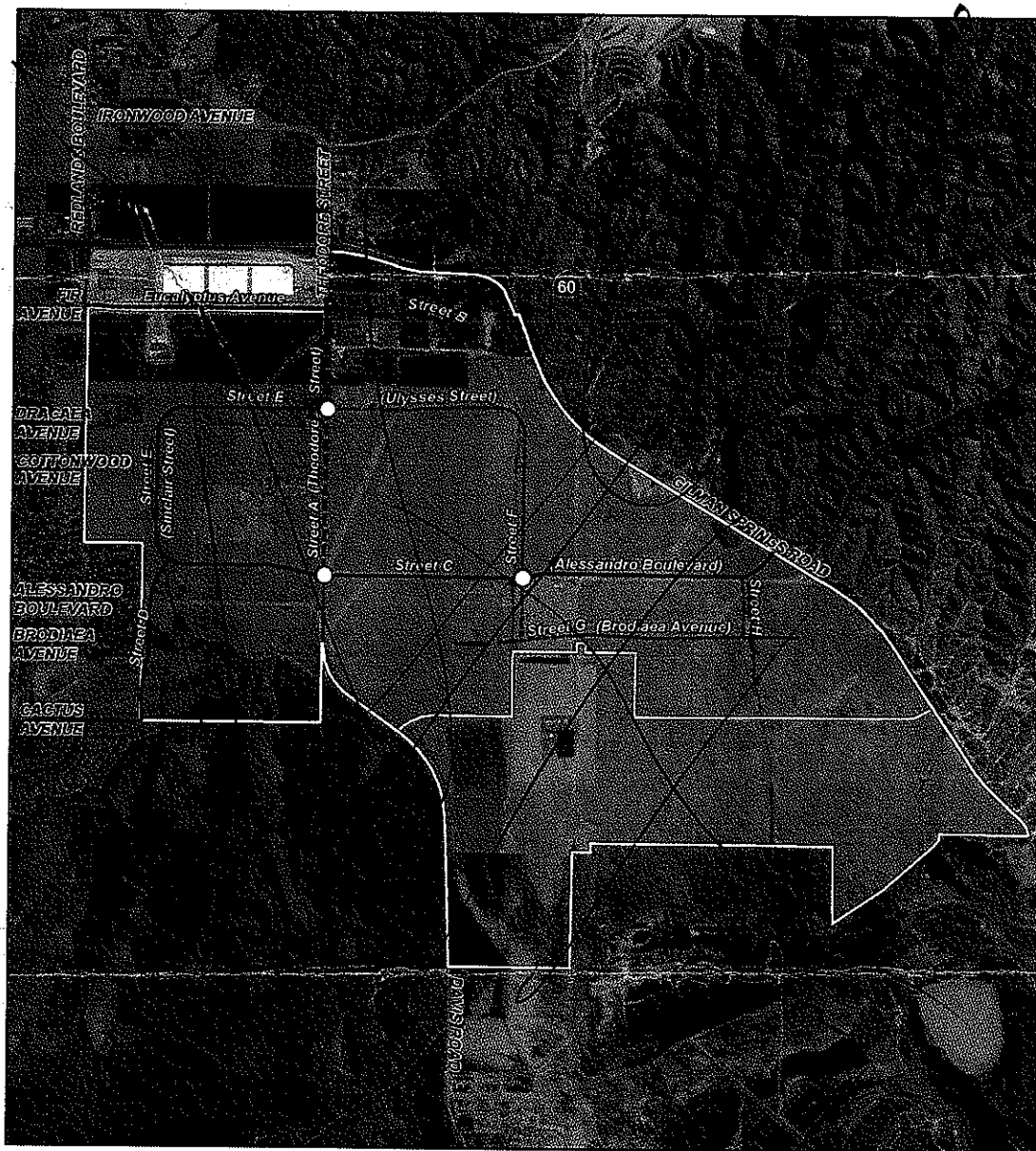
Consideration the wishes of the citizens of Moreno Valley. Look at all the empty warehouses at the West end and then justify the building of this center. A simple NO is all we need from the City Council in its entirety. We need street repairs at this end of

the valley not more foul air and traffic added to what we already have. The Mayor Tom Downing came to our house before the elections, we spoke for a good hour on different subjects, one being the Logistics Center. I expressed our feelings about this and he told me that would be his first priority if he was elected. The following week I read in the local paper where he had accepted a large donation ~~and~~ from Bengeser and now is turning the other checks. Between him, Co & Stewart they will send us here at the East end down the tubes. At sometime in life people have to say no to companies like Highland Fairview & Bengeser. Shouldn't we start by doing it now.

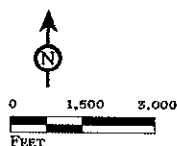
No To This Project

World Logistics Center (outlined in yellow)

Sketchers Buildings at Eucalyptus Ave. (white buildings)



LSA



- Project Boundary
- Specific Plan Boundary
- Traffic Circle
- 6-Lane Divided (Wide Median)
- 4-Lane Divided (Wide Median)
- 4-Lane Divided (Std. Median)
- 4-Lane Undivided
- 2-Lane

FIGURE 3.10

See figure 3.11 for typical roadway cross sections.

SOURCE: ESRI World Imagery, 2010; Bing Maps, 2010; Google Maps, 2011.

E:\HFV1201\Reports\EIR\Fig3-10_Circulation.mxd (12/26/2012)

World Logistics Center Project
Environmental Impact Report

Circulation Plan

RESPONSES TO LETTER G-92

Val and Marcella Garcia (April 11, 2013)

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-92-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-92-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-92-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Response To Comment G-92-4. The commenter asks the City to not approve the project. The City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project.

Letter G-93: Heather Walsh (April 15, 2013)

RECEIVED

APR 15 2013

CITY OF MORENO VALLEY
Planning Division

March 28, 2013

City of Moreno Valley Economic Planning Department:

Letter G-93

This letter is written in response to the proposed World Logistics Center project. It is apparent that the City Planning Commission and City Council have chosen to approve recommendation of this project without concern for the citizens of this community. The environmental impacts of this project should be considered before this project moves forward. First of all, the pollution generated from the amount of trucks that are estimated to be traveling through the area will have adverse effects on the health of the residents and will deteriorate the air quality in the area. This increase in truck traffic will also affect the gridlock on the 60 freeway and surrounding streets. This is already a problem as there is only one way into the city and one way out, it will only be compounded by the addition of hundreds of more trucks. Also, these trucks bring additional noise that will affect the residents. This is all in contradiction to the general land use that was originally designated for this area. Agriculture and wildlife in the area will also be adversely affected as will the open spaces and aesthetics of the community. As residents of this community we would like to voice our opposition to such a project. The proposed "benefits" do not outweigh the significant negative impacts.

1
2
3

Heather Wulsh
4-12-13

Heather Wulsh
28620 Kimberly Ave.
Moreno Valley CA 92555

RESPONSES TO LETTER G-93

Heather Walsh

Response to Comment G-93-1. The commenter is concerned about air pollution and additional truck traffic on the 60 freeway. Section 4.3 of the Draft Environmental Impact Report (DEIR) and the original and revised air quality technical studies, all evaluate the potential air pollution impacts of the World Logistics Center (WLC) project in considerable detail. The Environmental Impact Report (EIR) concluded that the WLC project would have significant air quality impacts that could not be mitigated to less than significant levels, even with the recommended mitigation, due to the size and nature of the WLC project. Section 4.15 of the DEIR examines the traffic-related impacts of the WLC project, including impacts along the SR-60 Freeway. The EIR concluded that traffic impacts of the project would be significant even with implementation of recommended mitigation, largely because many of the improvements that would be needed to achieve level of service standards are located in other jurisdictions (including Caltrans) and are not under the control of the lead agency.

Response to Comment G-93-2. The commenter is concerned about noise generated by project truck traffic. Section 4.12 of the DEIR examined the noise-related impacts of the WLC project and concluded that impacts would be significant even with implementation of recommended mitigation. The City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project.

Response to Comment G-93-3. The commenter is concerned about impacts to aesthetics (open space and views), agriculture, and wildlife. These issues are addressed in Sections 4.1, 4.2, and 4.4 of the DEIR, respectively. The DEIR determined the WLC project would have significant impacts on views and agriculture, even with mitigation, while impacts to wildlife were determined to be less than significant with mitigation. The City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project. If the City Council decides to approve the project, a Statement of Overriding Considerations will be necessary to show what project benefits outweigh the significant project impacts.

Letter G-94: Artie Melton (April 16, 2013)

March 27, 2013

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

RECEIVED
APR 16 2013
CITY OF MORENO VALLEY
Planning Division
Letter G-94

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3
-

Sincerely,

Artie B. MENTON
Artie B. Menton

(signature)

Property owner:

Name

Artie B. MENTON

Address

28789 Campbell Ave
Moreno Valley CA 92555

APN#

RESPONSES TO LETTER G-94

Artie Melton

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-94-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-94-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-94-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-95: Thomas Thornsley (email) (April 8, 2013)

Thomas Thornsley
29177 Stevens Avenue, Moreno Valley, CA 92555

April 8, 2013

Mr. Mark Gross
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552

Via e-mail: MarkG@moval.org

Dear Mr. Gross:

Re: Comments to the Draft Environmental Impact Report for the World Logistics Center Specific Plan, SCH#: 2012021045

As a concerned resident, a land use planner, and a member of Residents for a Livable Moreno Valley, who lives on the east end I have great interest and concerns about development in our area. Therefore, I have taken an extensive amount of time to review the Draft Environmental Impact Report (DEIR) for the proposed World Logistics Center Specific Plan (WLCSP). I cannot agree with some of the conclusions because this project goes so far beyond good planning as placement of land uses that it should never have been encouraged by the City or the developer.

With a rewrite of the General Plan the City and the developer begin the process of justifying the project. And to date I have not heard any member of City's upper management, the planning department or the City Council say they question the logic of this proposal. It appears that most impacts are being written off because the City simply will not take a strong stand on potential development impacts or adopt stricter mitigation measures to assure that development impacts are brought down to the lowest feasible point. It appears that this project has some significant impacts that could be mitigated to some extent but are being completely written off because even with some mitigation the impacts cannot be mitigated to below a level of significance. However, several impacts could be lessened with further mitigation than what is proposed; most notable with regard to Aesthetics, Agricultural, Air Quality, Land Use, and Traffic Impacts. In these instances it would be prudent to impose mitigation(s) to further lessen those impacts, thereby diminishing the intensity of impacts that will be overridden by the City Council.

I believe that the City will approve this project therefore additional tougher mitigation should be added to offset local and regional impacts to the fullest extent possible before overriding what cannot be achieved. If these mean reducing the size of the project to reduce environmental impacts, as suggested in the alternatives, then it should be seriously considered.

The following should serve to explain any shorthand in this document:

Section page numbers or topic numbers are used as best possible for referenced comments.

WLCSP – World Logistics Center Specific Plan

SP – World Logistics Center Specific Plan

MHSP – Moreno Highlands Specific Plan

GP – General Plan

Section 3.0 Project Description

The Project Description is obligated to mention everything carried out with this one proposal. However, the portion of the Project dealing with the General Plan Amendment includes the GP land use change to properties not under the control of the Project developer nor is that property a part of the WLCSP. Throughout the document it repeatedly states the project will convert 1,000 plus acres to Open Space which is misleading to the true project which is the World Logistics Center. Additionally, those 1,000 plus acres are used in calculations and analysis through the document and the supporting studies which could/does change the data provided for analysis. The project description should make it very clear that these 1,000 acres are in no way related to the WLCSP and should not be referred to in any project analysis.

1

Pg. 3-19: Why is a debris basin proposed easterly of Gilman Springs Road and impacting property not associated with this project? Why is the basin not within the project boundary? There is no explanation here or in the section on hydrology.

2

Pg. 3-25: The GPA will not "establish logistic land uses on the 3,814-acre property," because there are two other categories of land uses for over 1,104 acres this figure will includes.

3

Pg. 3-26: Identify that the project site for high-cube warehouse facilities does not have multiple forms of transport available.

4

Pg. 3-72: Explain the appropriateness of adding a new land use category to the General Plan verses just modifying the uses under Business Park. What is written here is project an site specific and not proposed to be utilized anywhere else in the city.

5

Section 4.01 Aesthetics

Pg. 4.1-3: How is the rural northeast portion of the City issue discussed in the MHSP? Wasn't this area also considered the rural area of the City when the City incorporated and before this development came forward?

6

Fig 4.1.2: Photo locations are off, 2 and 3 need to be switched to be consistent with the photos in Fig. 4.1.3a. Several other markers and photos are incorrectly located and identified.

7

Objective 2.5 and Policy 2.5.1 should only be applied to locations where these designations currently exist.

8

- Pg. 4.1-17: What will be done to lessen the significant impacts of the aesthetic impacts? 9
- Pg. 4.1-33: Based on Fig. 4.1.4G explain why there isn't a freeway landscape buffer (strip) as required in GP Policy 2.10.5, which states that "development projects adjacent to freeways shall provide landscaped buffer strips along the ultimate freeway right-of-way." 10
- Fig 4.1.4H: Why is there not a level landscape strip between the maintenance road and the bank of the detention basin? Plantings on the banks and the basin bottom are more likely to be damaged or stressed. 11
- Fig. 4.1.4I - Explain why the uppermost cross section does not have a screen wall nor landscaping on the downward slope. 12
- Fig. 4.1.4J - Please explain the distance between the R-O-W and the marked 20' min. landscape buffer. Also explain why such a small 20' landscape buffer is being proposed. This is not a significant buffer in those areas where screening for aesthetics reasons will be needed to screen the development. 13
- Pg. 4.1-61: As stated white building will be more visible at longer distances thereby adding to the impact. Consideration should be made to utilize more earth-tone colors throughout the project area. If the change in color will so greatly affect the energy consumption or greatly increase the "heat island" effect then provide data to substantiate this claim to justify the color choice. 14
- Pg. 4.1-62: The 250-foot setback as defined by the distance from residential property lines fails to address the true lack of adequate screening. Along Redlands Blvd. and Merwin Ave. where the roadway width alone could be greater than half the setback distance. Nothing precludes the remaining area from including parking lots, drive aisles, internal roads or storm drains. Residential property along Merwin loses the 250-foot to 66' of Merwin roadway, 125' flood control channel, 112' Street "D". Where does the buffer come in to the equation? You already have 303 feet of setback before a project site property line but very little of that area can create a visual barrier from the residential properties. 15
- Explain what minimum level of buffering would be required with all these open area elements between a residential property line and the building. Explain what can go between the building and the project site property line when it is beyond the 250-foot setback. 16
- Pg. 4.1-62: As described in paragraph 2 the landscape setback will be far less than where it is adjacent to streets with narrower right-of-ways. Provide reasoning as to why the buffer is not measured from the right-of-way adjacent to the development. This would assure consistent perimeter landscape buffer setbacks. 17
- Pg. 4.1-62: Indicate what building and/or screen wall characteristics will aid the aesthetics of the buffer zone. 17

Thomas Thornsley
April 8, 2013

*Comments to the DEIR for the
World Logistics Center Specific Plan*

Pg. 4.1-62: The lost views along SR-60 can be mitigated to a reasonable extent by limiting the height of those building nearest the highway to somewhere below the view line of the distant mountains.

18

Pg. 4.1-66 MM 4.1.6.1A - The 250-foot setback as defined by the distance from residential property lines fails to address the true lack of adequate screening. Along Redlands Blvd. and Merwin Ave. where the roadway width alone could be greater than half the setback distance. Nothing precludes the remaining area from including parking lots, drive aisles, internal roads or storm drains. Residential property along Merwin lose the 250-foot to 66' of Merwin roadway, 125' flood control channel, 112' Street "D". Where does the buffer come in to the equation? You already have 303 feet of setback before a project site property line.

19

Explain what minimum level of buffering would be required with all these elements between a residential property line and the building. Explain what can go between the building and the project site property line.

Pg. 4.1-66: With 4.1.6.1A better define the setback from residential property. Are you talking about any on-site improvements, parking areas, drive aisles, or pure landscaping until the buildings?

Provide additional options/mitigations that could be used to lessen this loss of these scenic vistas. Create a new foreground scenic vista along these thoroughfares. A proposed **Mitigation Measure should include the option for either extensive landscaping along all these roadways and a lower building height for the buildings along SR-60 to preserve the views of Mt. Russell and San Jacinto.** This is possible because the building pad elevation is likely to be 30 feet or more below the surface grade of SR-60, as it was with Sketchers. Full considerations should be given to this option.

20

Pg. 4.1-69: Identify the mitigation measure. Should it be MM 4.1.6.2?

21

Pg. 4.1-70: The facade accents described in the SP appear to provide minimal accent treatments that will not break-up the huge mass of the buildings in such a way as to provide substantial vertical and horizontal relief. Considering the size and length of these buildings, corner treatments will only be found at the extreme ends of what could be buildings hundreds of feet and beyond a 1,000 feet long building. **Include MM to provide more substantial relief.**

22

Pg. 4.1-70: The landscape standards do not define a minimum landscape buffering area between the right-of-way and the on-site development. Incorporating the street width and citing a 250-foot separation fails to define a consistent landscape buffer.

23

The landscape design standards provide no information that would guaranty that a sizable planting area will be provided at road grade to support sufficient landscaping to achieve screening.

Table 4.1.C:

Thomas Thornsley
April 8, 2013

*Comments to the DEIR for the
World Logistics Center Specific Plan*

Objective 2.5: It would not appear that this project's proposal for one type of use on such a large scale in the City could be conclude as being "consistent" given the City's current lack of other types of industrial uses. Since so much of the available Industrial land within the City is utilized for warehousing the City does not and has not created a diversified economic base or ample employment opportunities for its citizens outside of this on particular use.

24

Policy 2.5.1: Should read, "Somewhat consistent" considering the scale of the project and the limited land use areas within the City that would remain to be available for the other Business Park/Industrial uses envisioned in the General Plan.

25

Policy 2.5.2: Cannot consider a landscape buffer to be enough separation between residential and industrial uses to avoid adverse impacts. All well trained planner know that less impacting uses such as neighborhood commercial, commercial, office, parks and open space constitute a buffer between residential and industrial. This EIR consistently references the unavoidable impact this project will bring to the surrounding land uses yet a 250-foot setback that includes roadways, drainage channels and a few feet of landscaping seems to be consider an acceptable buffer to offset the impact. A proposed **Mitigation Measure would require that a least a 1,000-foot alternative land use buffer permitting offices, commercial, parks, open space and public uses be placed between all proposed warehouses uses and residential property.** With this type of buffer and mitigation you could say compliance with Policy 2.5.2 is consistent.

26

Policy 2.5.3: Concluding the consistency of this policy is an assumption prior to seeing how the setback and screening methods will be implemented in a Plot Plan.

27

Policy 2.10.3: The SP's design guidelines fall short of effectively achieving several of the listed criteria because of the minimal relief offering comparative to the size and mass of the proposed high-cube warehousing. **Mitigation should be included that defines the parameters for greater relief and facade treatments.**

28

Policy 2.10.5: Nothing in the SP indicates that a landscape buffer strip will be provided along the freeway that can effectively provide for a landscape buffer. If parcels adjacent to SR-60 are graded similar to Sketchers to the east all of the landscaping will be planted on slopes below the grade of the highway. Additionally, the master developer had this condition waved on the neighboring project. Therefore you cannot conclude that this project is consistent with policy.

29

Policy 2.10.7: An analysis of consistence can only be made after plot plans are actually reviewed. Defined standards and mitigation measures should be in place before making determination of consistency with this policy.

30

Policy 2.10.9: Not entirely consistent because the WLCSP Section 5.2.12 states that "only minor changes of material and finishes are appropriate." The wall standard should address wall plane off-sets to break up the long continuous expanse of walls near the street. Additionally, a greater land scape buffer area should be required between the sidewalk and the wall. In some areas the landscape buffer is proposed to be drainage swales or filtration basins limiting the landscapeable area and the density of the landscape plantings that can affectively screen and compliment the walls and on-site development.

31

Thomas Thornsley
April 8, 2013

Comments to the DEIR for the
World Logistics Center Specific Plan

Policy 2.10.10: Again the evaluation of this policy states the freeway frontage will be fully landscaped but development of the site will dictate a downward slope from the freeway with no guarantee that screening landscape material will be place at roadway grade. **A Mitigation Measure needs to be included that requires a sizeable level area at or near grade with SR-60 in which sufficient landscaping can be planted to effectively screen the building and loading areas.** 32

Policy 2.10.11: See comment regarding more defined methods of assuring that this buffer area is effective. 33

Provide a Mitigation Measure that assures sufficient grade level landscaping adjacent to the roadways and SR-60 to accommodate landscape plantings that can effectively aid in the screening of the on-site improvements. 34

Provide a Mitigation Measure that guarantees a minimum 200-foot buffer area from right-of-way to on-site improvements. 35

Provide a Mitigation Measure that requires variations in the gradient of publicly visible slopes to avoid having continuous 2:1 slopes that would contribute to the monotony of the long expanse of the slope. Require this of slopes greater than 200 lineal feet. 36

Provide a Mitigations Measure that requires the landscape buffer facing the residential areas be designed in similar fashion to other streetscape landscaping in residential subdivisions. Installing this area with landscaping designed for the WLS will simply accentuate the fact that an industrial use is across the street and thus further degrading the residence's sense of well-being. Making this change with create a distinct variation between the industrial uses and the residential areas and aid in the appearance that these uses are separate. 37

Pg.4.1-73, MM 4.1.6.3A: **Provide additional mitigation measures that assure proper screening of the on-site improvements** as previously noted in the preceding comments. 38

Define the need to use light sources the produce "white" light for color rendition. This project area does not appear to need this source of light for viewing purposes like with outdoor auto sales or public activity area. Additionally, the use of "white" light when not necessary violates the Dark Skies requirements for Mt. Palomar Zone B. 38

Propose to amend the parking lot light standard for the WLCSP so lower light levels are considered acceptable to help mitigate the excess night glow.

Provide a Mitigation Measure that requires parking lot lights to go off after working hours or that they be activated my motion sensors where and when needed.

Pg. 4.1-74: **Include a mitigation measure that limits the height of all pole and wall mounted lights where located along residential areas. In no case shall wall-pack type security lighting be installed on buildings elevations facing towards residential neighborhoods.** 39

Pg. 4.1-75: Reference to the SP guidelines regarding lighting. – **Provide a mitigation measure limiting the height, number, and placement of street lights within the WLCSP area. Utilize lighting standard similar to rural lighting standard that only require street lights at roadway intersections and site access points.** Spillover lighting from on-site will likely cast enough ambient light onto the roadways. The streets within the WLC will not be utilized by the general public nor may they be heavily used at night. 40

Pg. 4.1-76: MM4.1.6.4A should also indicate the ambient night light levels at the project side of the right-of-ways. 41

MM 4.1.6.4B should permit solar panel use as shade covers in parking and storage areas following these same worst case conditions. 42

MM 4.1.6.4C: Since LPS is acceptable on the south side of buildings then it should the norm for all outdoor, uncovered lighting. 43

Section 4.02 Agricultural and Forestry Resources

Pg. 4.2-2: 4.2.1 Existing Setting – The 2,710 acres of the WLCSP are the only lands with that should be evaluated in the Agricultural Resources Assessment report Appendix C-2. The remaining area is not proposed for development nor is it a part of the WLCSP. It is only a part of the "project" because it requires change of land use on the General Plan Land Use Map. 44

Pg. 4.2-7: The 2,685 acres is the area that should have been assessed in the LESA Modeling. 45

Fig. 4.2.2: Why is this area in the middle of the project site eliminated from the calculations? 46

Pg. 4.2-14: Should only be assessing the WLCSP acreage. See Methodology. 47

Pg. 4.2-15: Agriculture is no longer a permitted use in any area of the proposed Specific Plan. The SP now only allows ag if it is established before project approval. 48

Pg. 4.2-16: The mitigation measure outlined in Section 4.1 cannot mitigate the loss of the most prominent existing natural resources; therefore this statement should reflect that it is inconsistent. 49

Pg. 4.2-16: The land discussed in the section is not a part of the specific plan and is only listed in the project because it is an administrative matter, therefore it cannot be used to credit Objective 4.1 for consistency. 50

Pg. 4.2-16: The right to farm only applies to those lands with legally established agricultural operations at the effective date of the WLCSP. 51

Pg. 4.2-17: Not acceptable to leave this to the City to implement. They will site lack of staff and resources to implement and monitor and therefore the mitigation will be lost. 52

Thomas Thornsley
April 8, 2013

*Comments to the DEIR for the
World Logistics Center Specific Plan*

- Pg. 4.2-17: Are there State run agricultural land banks that can accept the mitigation funds? Can other entities involve with land preservation be used to mitigate this lost resource? — 53
- Pg. 4.2-18, last paragraph: The 1,000 acres being given the Open Space designation and part of the Wildlife area are currently being farm and cited previously in this document. The statement "little, if any, of the adjacent land" is incorrect and should reflect that use. — 54
- Pg. 4.2-19: The SA sub-score would likely be higher because of errors made in configuring the Zone of Influence area. See comment under the Ag Resources Assessment. — 55
- Pg. 4.2-20: This is MM that places a burden on the City and will likely never be implemented. — 56
- Under 4.2.7 Cumulative Impacts it states that it will remove 3,389 acres of designated farmland when the project will only remove the 2,710 acres within the WLCSP. — 57
- Why is there no analysis to assess localized farming options as means to limit greenhouse gas emissions due to the increasing need to ship food stuffs greater distances? **Consideration should be made to implement mitigation measures offset the negative affect of longer shipping distances.** — 58

“Agricultural Resources Assessment for WLCSP DEIR” by Parsons-Brinckerhoff

Page numbering in this document did not covert correctly in the PDF file so the page numbers listed correspond to the actual page count in the file.

- Pg. 4: Explain why the evaluated project area includes the entire 3,814 acres when the project area includes over 1,000 acres that are not a part of the development plan. This acreage was lumped into the "project" only for the purpose of changing the land use designation as part of the GPA. — 59
- Pg. 9: Limits of the SP are incorrect because they include the open space area which in only part of the GPA. — 60
- Pg. 10: Not the correct crop info for the Moreno Valley area. Citrus was not the primary crop in this area. — 61
- Pg. 11: Water cost associated with on-site wells has not been assessed. There is no mention of the availability of water from wells or the option to install wells within the project acreage of the WLCSP. Some properties in project area have wells and or water rights. — 62
- Pg. 12: Need to make mention of the egg production ranch that was on the project site and demolished in the past decade. — 63
- Pg. 13: Verify rainfall for our region. — 64

Thomas Thornsley
April 8, 2013

*Comments to the DEIR for the
World Logistics Center Specific Plan*

Pg. 14: Describe them as man-made ponds and lakes.

65

Pg. 15: Elevation range is incorrect unless it is incorrect in the bulk of the other sections of the WLCSP DEIR. As noted elsewhere it should be 1,760 to 1,480 feet above sea level.

66

Pg. 26: The Lake Perris Recreation area comprises far less than 50% (see map) of the Zone of Influence Area. The boundary of the projects area's Zone of Influence is overstated because it includes land that is not part of the specific plan and therefore should not be counted because it falsely expands the influence area. Additionally, the geometric shape used to encompass the project area should be drawn on a diagonal to more tightly configure the area. You could also use a six-sided configuration to incorporate the project area to give you the zone of influence.

67

Pg. 28: The conclusion made in Section 3.4 is incorrect and needs to be reassessed. The area south of the WLCSP is owned by CDFG and is being used for agricultural purposes at this time.

68

Section 4.9 Hydrology

Pg. 4.9-21: Explain if any of the surrounding areas fall within the 100-year flood zone. The homes in the area west of Merwin Ave were flooded twice in the past six years, the most recent being in August of 2012. Verify impacts with the City's Public Works Department. This has a bearing on the drainage to the southwest of the project site. Should project flows exceed historic levels there would be need for further mitigation.

69

Pg. 4.9-25: The last paragraph identifies Line "F" but it should be Line "A".

70

4.13 Population, Housing and Employment

Pg. 4.13-2 & 3: In tables on these two pages are three different housing unit figures from various sources and the range is more than 4,000 units in a one year period. This is a 9% difference which will skew all calculations for housing to jobs ratios. These unit variations cannot be related to recent housing growth because the City has issued few home construction permits in the past three year. An accurate total should be used and the statistics in these sections revised to reflect a more accurate standing of the community characteristics.

71

Opening Comment: The job figures and revenue projections are not consistent within throughout or within Sections 4.13 Population and Housing, Section 5.0 Other CEQA Topics, and Appendix O-1 Fiscal and Economic Impact Study. The number of inconsistencies are too numerous to note but they tend to taint the validity of the information or the results. It is likely these figures are also inconsistent throughout the other sections of the EIR. Please correct.

72

PG. 4.13-9: Why are 24,642 employees considered a "worst-case" estimate for environmental impacts when the GP goals and objectives encourage job creation thus besting the jobs to housing ratio. Using the larger figure appears to skew the reality of what may really happen - fewer jobs for the impacts incurred. Please explain how this benefits the community and aids the decision maker in assessing the value of the project against its impacts.

73

Pg. 4.13-10: Please explain how this calculates out based on the available workforce in the City and the number of residents that would desire these jobs.

Provide calculations based on the available workforce in the City, 2010 Census data on employment categories for the residents, and then figure how many residents would like have the talent or desire to work in the logistic industry. If this figure is less that the job produced then you can expect people to be drawn to the City thus inducing growth.

74

Pg. 4.13-11: Recurring costs should be calculated over the life of the project and projected for 20-years after predicted build-out. Over time service cost typically out pace tax increment increase thus eliminating the surplus. Property taxes will only rise at the rate set by Proposition 13 while the police and fire services alone will be going up at a greater rate. In each of the next two fiscal years the City is obligated through public safety contracts to 5% annual pay raises. Additionally, other services and cost will rise at the rate of inflation or higher. Either way these rates will outpace the property tax increment rise. Discuss why this is not been addressed. See attached example of a fiscal impact analysis required by Riverside County for business park development.

75

Pg. 4.13-12, Table 4.13.J: Please make note whether this annual salary is for permanent staff or all staff including temps needed for the operation. Most researched information on warehouse operations indicates that a large percentage of those working on-site are temporary hires not on the operating payroll thus not factored it the average salary shown.

76

Pg. 4.13-13: Table and text for number of construction job is not consistent with the fiscal report Apdx. O-1.

Paragraph two states 16,395 full-time equivalent jobs but nowhere in the text does it say that this is the total job count over a 10 period. Explain why this is not addressed or have it incorporated into the analysis. How do you defend the assumption that a lot of these jobs are likely to be in the vicinity and therefore within the City?

77

Based on the Fiscal and Economic Impact Study the potential jobs has a low range near 13,000 that should also be included in this discussion. Why is it not?

Pg. 4.13-14: Summary of Impacts use figures for surplus that are not consistent with the fiscal report Apex. O-1.

78

Under 4.13.5.2 there should be a discussion about the job housing balance that it offered and the total jobs it would have created. The abandonment of MHSP not only changed the housing count it displaced the jobs it would have created.

79

Section 5.0 Other CEQA Topics

Pg. 5.5, Paragraph 3: The new job figures are not consistent with those found in Section 4.13 or Appendix O-1 Fiscal and Economic Impact Study.

80

Thomas Thornsley
April 8, 2013

Comments to the DEIR for the
World Logistics Center Specific Plan

The next paragraph again has job and revenue figures that cannot be found in either of the documents listed. In review of all three documents the figures used are not consistent throughout the EIR.

81

5.4 Urban Decay: Planning studies throughout America have analyzed the inherent condition of urban decay in neighborhood near industrial development. The typical finding are that the home value decline in neighborhoods next to industrial operations and over time decay and become blighted areas of those communities. The Fiscal and Economic Impact Study does not take into the secondary effect the WLC will have on the neighboring communities and how it will likely depress property values and thus lessen the anticipated property tax revenue the City receives. Why was this not addressed?

82

6.0 Alternatives to the Proposed Project

Did the Existing GP Alternative reduce the total dwelling unit count based on the land area lost to CDFW?

No Project, General Plan – Moreno Highland SP: Please explain the rational for the stated housing units expressed in this analysis. It appears to be very close to the number of dwelling units in the SP yet about half of the residential area was sold off to the CDFG in the year prior to MHSP's approval. This alternative could never have been built and therefore is not a valid alternative to assess. What should have been assessed was a modified version of the MHSP less the residential area removed from development. Based on the purchase date of over one quarter of the MHSP project area it would appear that the developer had no intention of ever developing this land when they entered into a development agreement with the City designating the land uses be in place for 20 years. See your project site history in the project summary.

83

Thank you for the opportunity to comment on the Draft EIR for this project. I request to be informed of all meetings and public hearings related to this project or other consideration in east end of Moreno Valley. Please let me know if it is possible to receive a copy of all comment to the DEIR as soon as they are available. I would also like to request copies of any follow-up documents related to this project (the Development Agreement, 2nd DEIR and/or Final EIR). Feel free to contact me if you have any questions regarding my comments.

Sincerely,

Thomas Thornsley
909-797-1397
e-mail: tomthornsley@msn.com

Attachment: Thomas Thornsley's Resume

RESPONSES TO LETTER G-95

Thomas Thornsley

Response to Comment G-95-1a. The commenter believes the City should adopt stronger mitigation, alternatives, or a much smaller project. The City has the discretion to determine what action should be taken on the project application. The City Council will consider all comments and responses on the project and Environmental Impact Report (EIR) before making a decision on the World Logistics Center (WLC) project.

Response to Comment G-95-1b. The commenter is concerned the 1000 acres of state conservation land south of the World Logistics Center Specific Plan (WLCSP) property is mentioned as part of the project. The commenter misunderstands the relationship of the state conservation land south of the WLCSP property. The 1000 acres south of the WLCSP property was purchased from or out of the Moreno Highlands Specific Plan (MHSP) property. The minutes from the Wildlife Conservation Board action at that time specifically says it will act as a buffer from planned urban development (i.e., at that time the rest of the MHSP)(DEIR Section 4.4.1.16). The existing state conservation land is being rezoned as part of the discretionary actions requested by the WLC project because at present those lands are still zoned for a golf course and various residential uses under the Moreno Highlands Specific Plan (MHSP). Refer to Response to Comment F-10-9 for further details.

Response to Comment G-95-2. The commenter asked why the debris basin east of Gilman Springs Road is not inside of the project. The potential debris basins depicted on the easterly side of Gilman Springs Road are a function of future improvements to Gilman Springs Road. The purpose of the debris basins are to trap the sediment and debris from storm water runoff coming from the Badlands before it reaches the culverts under Gilman Springs Road. Once debris reaches the culverts it will reduce the ability for storm water runoff to pass under the roadway, and in the worst case, plug the culverts completely. This situation exists today where the existing culverts are partially, and in some cases, completely plugged.

Placing debris basins downstream of the culverts, and within the project boundary, would not provide any benefit to prevent the culverts from becoming plugged. Excess flows that can't cross under Gilman Springs Road will cross over the road jeopardizing the roadway and public safety.

Response to Comment G-95-3. The commenter complained that the General Plan Amendment (GPA) would not establish logistics warehousing on the 3,814 acres of the WLC project because there are two other categories of land uses for over 1,104 acres of that total (DEIR page 3-25). The commenter is correct, the General Plan Amendment description on page 3-25 of the DEIR has been changed to clarify what areas of the project will have logistic land use designations.

Response to Comment G-95-4. The commenter wants text added in the EIR that multiple forms of transportation are not available to this site. Text will be added to DEIR page 3-26 in this regard.

Response to Comment G-95-5. The commenter asked for an explanation of why the project is adding a new land use category to the General Plan verses just modifying the uses under Business Park. The WLCSP is site specific and is not proposed to be utilized anywhere else in the City. The comment does not raise an issue with the adequacy of the Draft Environmental Impact Report (DEIR). In this case, no response is required because that is the project that was proposed by the applicant and duly reviewed in the DEIR. However, the City Council will consider all comments prior to taking any action on the project.

Response to Comment G-95-6. The commenter asks how the Moreno Highlands Specific Plan addresses the rural northeast portion of the City. How the MHSP dealt with this area is not at issue here, that land use plan is the currently approved General Plan and zoning for the WLC site. Section

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

4.1 of the DEIR addresses aesthetic issues of the WLC project relative to surrounding land uses and scenic routes, and concludes aesthetic impacts are significant. However, Mitigation Measure 4.1.6.3A has been revised to preserve the upper two thirds of views of Mt. Russell.

Response to Comment G-95-7. The commenter points out several labeling errors in the DEIR relative to the photographic renderings for the project. These have been corrected in the revised DEIR (Final EIR Volume 2, Section 4.1, Aesthetics).

Response to Comment G-95-8. The commenter says Objective 2.5 and Policy 2.5.1 should only apply where appropriate. The City Council will determine whether approval of the project is consistent with the objectives and policies of the General Plan.

Response to Comment G-95-9. The commenter asks what will be done to reduce aesthetic impacts. As outlined in Response to Comment G-95-6, MM 4.1.6.3A has been modified to preserve views of Mt. Russell.

Response to Comment G-95-10. The commenter is concerned about freeway landscaping buffers per General Plan Policy 2.10.5. That policy states that... *“Development projects adjacent to freeways shall provide landscaped buffer strips along the ultimate freeway right-of-way.”* The policy does not mandate the landscape buffer be level, upslope, downslope, bermed or otherwise. It is the intent of the policy is to provide a soft buffer in addition to the minimum building setback along the freeway. As depicted in Figure 4.1.4G of the DEIR, a landscape buffer is proposed between the freeway and the development. It will be a down slope condition from the freeway, very similar to the existing condition along the south side of the freeway segment between Redlands Boulevard and Theodore Street.

Response to Comment G-95-11. The commenter asked why there is not a level landscaping strip between the maintenance road and the bank of the detention basin per Figure 4.1.4H. The City grading code requires and general practice is to provide a minimum 2 foot level area between a roadway and a top or toe of slope or bank. The depiction in Figure 4.1.4H is not at a scale that allows to depict such a level of detail nor was it intended too. This will be a detail incorporated during design level drawings and City review and plan check.

Response to Comment G-95-12. The commenter asked why there would not be landscaping or a screen wall on the downslope shown in Figure 4.1.4I. Figure 4.1.4I has been updated to depict landscaping on the downward slope. The section does not depict a screen wall as it is the intent to screen the view into the truck yard with a combination of landscaping and a screen wall in the 8-foot buffer adjacent to the sidewalk. The commenter is referred to the updated Specific Plan which shows enhanced landscaping and screening for the residential buffer treatment area (Special Edge Treatment Areas, WLCSP Section 2.5) along Redlands, Bay, and Merwin.

Response to Comment G-95-13. The cross sections in Figure 4.1.4J depict a minimum 20-foot landscape buffer along all streets, and outside of the street ROW. This is to control the development edge and ensure a continuous and uniform landscape treatment along all streets. The landscape buffer will actually be greater than 20 feet when you add in the additional 8 feet of level landscape area between the ROW. and the top or toe of the slope. From the perspective of a pedestrian there will be 28 feet of landscape buffer. From the perspective of the motorist, there is an additional 6 feet of parkway landscape between the sidewalk and the street curb, totaling 34 feet of landscape buffer. These allow room for extensive landscaping and plant maturity. Individual projects will likely provide additional landscaping on each building site. Those details will be reviewed and approved by the City during the required Plot Plan process.

Response to Comment G-95-14. The commenter recommend a color palette with more earth tones or justification why basically white is so important (e.g., heat island). The DEIR provides mitigation measures for substantial screening of buildings along the project boundaries (MM 4.1.6.1A). In

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

addition, a mitigation measure for buildings adjacent to California Fish and Wildlife area (southern boundary) is included requiring those buildings along the southern boundary be an earth tone color (Specific Plan Section 5.3.12). It is a project design feature for all remaining buildings and walls to be white in color to meet the WLCSP architectural goals of clean and simple architecture. White colors do reflect heat and it is a project goal to be LEEDs certified which provide points for use of white roofs and light colored pavement. This would also include walls. The building color is a detail included in the review of each proposed building. The specific building location, size, configuration and color and its potential impacts on adjacent uses will be reviewed at that time.

Response to Comment G-95-15. The commenter discusses topics including streets, flood control improvements, etc. within the 250-foot setback. The 250 foot setback is to provide a horizontal separation between existing sensitive land uses adjacent to the project and the proposed buildings and truck yards. The 250 foot setback is not necessarily for screening, but will allow for opportunities to provide screening. As the commenter notes where an existing roadway such as Redlands Boulevard, Bay Ave. or Merwin Street exist they are included in the 250 feet, but as the sections depict, screening will be accomplished with berms, landscaping and site walls in the area remaining. Within the 250-foot setback, vehicle parking (no trucks) and emergency access aisles are allowed, but will be screened as depicted in the DEIR, required in the WLCSP, and as provided for in the mitigation measures (Specific Plan Section 2.5). Future project level approvals such as site plans and plot plans will demonstrate adherence to these requirements and will be further conditioned to comply.

Response to Comment G-95-16. The commenter asked why the 250-foot buffer is not measured from the property lines. The reader is referred to the Response to Comment G-95-15. The 250-foot setback is consistent relative to the adjacent sensitive land uses. The project does propose a landscape buffer and it will vary in width, and will have substantial width to provide the necessary screening of the buildings as depicted in the DEIR, required in the WLCSP (Section 2.5), and as provided for in the mitigation measures (MM 4.1.6.1A).

Response to Comment G-95-17. The commenter asked what building and/or screen wall characteristics will “aid in the aesthetics of the buffer zone” per page 4.1-62 in the DEIR. The potential visibility of each proposed building will be one of the details reviewed in connection with each project-specific Plot Plan to be reviewed and approved by the City. Building architecture, landscaping, and walls will all contribute to providing a pleasing aesthetic treatment where buildings may be visible from perimeter streets. No buildings will be allowed in the 250 foot buffer zone, but screen walls may (Specific Plan Section 2.5). Walls of varying types are often incorporated into landscaped setbacks to provide architectural character and offer some diversity in the aesthetics of the landscape. Screen walls can be utilized as a trellis to support growth of vines, or offer wind breaks or shading to support a plant’s growth.

Response to Comment G-95-18. The loss of views along SR-60 has been mitigated to a reasonable extent by creating a building pad that is forty feet below SR-60 as depicted on the concept grading plan (see figure 4.1.5K). Additionally, MM 4.1.6.3A has been modified to limit the height of the building(s) along SR-60 in order to preserve 67% of the view to Mount Russell.

4.1.6.3A ~~Prior to the issuance of any discretionary permit for development under the WLCSP, the developer shall provide a site plan, landscaping plan, and visual rendering(s) consistent with the WLCSP that demonstrate changes in views of Mount Russell, the Badlands, and/or Mystic Lake for travelers along SR-60 or Gilman Springs Road, as appropriate. The renderings shall be sufficient to demonstrate typical views based on proposed site and landscaping plans, but the location and number of view presentations shall be at the discretion of the City Planning Division. These views shall be simulated from a height of six feet from the edge of the roadway travel lane closest to the visual resource.~~

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

4.1.6.3A Each Plot Plan application for development shall include plans and visual rendering(s) illustrating any changes in views of Mount Russell and/or the Badlands, for travelers along SR-60, as determined necessary by the Planning Official. The plans and renderings shall illustrate typical views based on proposed project plans, with the location and number of view presentations to be determined by the Planning Official. These views shall be simulated from a height of six feet from the edge of the roadway travel lane closest to the visual resource. The renderings must demonstrate that the development will preserve at least the upper two thirds (67%) of the vertical view of Mt. Russell from SR-60.

Response to Comment G-95-19. The commenter asked why the 250-foot buffer is not measured from the property lines. The setback area will include improvements, non-truck parking, landscaping, drainage improvements, maintenance access, etc., no buildings or truck access areas are permitted (Specific Plan Section 2.5). The DEIR does provide for project by project review of all buildings within the WLC including details regarding site landscaping, screening and visual impacts from adjacent residential areas and SR-60. Refer to the Response to Comment G-95-15 for further detail.

Response to Comment G-95-20. The commenter wants the 250-foot buffer better defined, and wants more specificity in the aesthetic mitigation. The buffer is intended as a building setback, but walls, landscaping, and drive areas can be located within it as long as they are effectively screened from the adjacent residential areas (see revised MM 4.1.6.1B).

4.1.6.1B ~~Prior to the issuance of any discretionary permit for development under the WLCSP adjacent to Redlands Boulevard, Bay Avenue, and Merwin Street, the developer shall provide a plot plan or site plan, landscaping plan, and visual rendering(s) consistent with the WLCSP that accurately illustrate the appearance of the proposed development. The renderings shall be sufficient to demonstrate that views of the buildings and trucks will be effectively screened from view by existing residents upon maturity of planned landscaping. The location and number of view presentations shall be at the discretion of the City Planning Division.~~

4.1.6.1B Each Plot Plan application for development adjacent to Redlands Boulevard, Bay Avenue, or Merwin Street, shall include a plot plan, landscaping plan, and visual rendering(s) illustrating the appearance of the proposed development. The renderings shall demonstrate that views of proposed buildings and trucks can be reasonably screened from view from existing residents upon maturity of planned landscaping and to ensure consistency with the General Plan Objective 7.7. "Effective" screening shall mean that no more than the upper quarter (25%) of a building is visible from existing residences, which shall be achieved through a combination of landscaping, berms, fencing, etc. The location and number of view presentations shall be at the discretion of the Planning Division.

Based on the requirements of the WLC Specific Plan (see Section 2.5), and with the mitigation proposed, only about a third of the tops of the warehouse buildings will be visible at most, and the planned berms, walls, and mature landscaping are expected to visually block views of the lower portions of the warehouse buildings. In addition, see Response to Comment G-95-18, which describes how MM 4.1.6.3A has been modified to preserve views of Mt. Russell.

Response to Comment G-95-21. The commenter believes the action listed on DEIR page 4.1-69 should be listed as Mitigation Measure 4.1.6.2A. See Response to Comment G-95-20 for changes to MM 4.1.6.1B related to views from the residential areas along Redlands Blvd. See also Response to Comment G-95-18 for changes to MM 4.1.6.3A related to views from SR-60.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-95-22. It is the commenter's opinion the façade accents described in the Specific Plan will not provide "substantial vertical and horizontal relief" per page 4.1-70 of the DEIR. The Specific Plan establishes design standards and development guidelines to ensure a consistent and attractive appearance throughout the entire project. The WLCSP Section 5.3 sets forth architectural guidelines, and the City Council will decide whether they are sufficient and will consider the comment before making a decision on the project.

Response to Comment G-95-23. The commenter points out the landscape standards do not define a minimum landscape buffer area. The Specific Plan includes a series of exhibits that illustrate a variety of design treatments along adjacent streets. The details of these areas will be included in project specific plot plans, however in general terms there will be at least 40 feet of landscape area behind the closest street right of way.

Response to Comment G-95-24. The City's General Plan provides ample opportunities for all types of residential and non-residential development within the City limits. While there are other planned logistics facilities within the City, there is also a considerable amount of industrial zoned land available for other uses available within the City to create a further diversified economic base to boost employment opportunities. The City Council will decide whether the project is consistent with the General Plan and will consider the comments prior to deciding whether to approve the project.

Response to Comment G-95-25. The commenter says the project is only "partially consistent with Policy 2.5.1. The City Council will determine whether the project is consistent with the Policy.

Response to Comment G-95-26. The commenter believes a 1,000-foot wide buffer of non-industrial land uses is needed for the west side of the project, then it is consistent with General Plan Policy 2.5.2. General Plan Policy 2.5.2 requires that industrial land uses be located to avoid adverse impacts. The 250-foot buffer that has been proposed for west side of the project provides a buffer, which includes landscaping and a berm or wall, will reduce projects impacts on adjacent uses, The air quality analysis determined that extending the buffer to 1,000 feet would not substantially further reduce the impact over a 250-foot buffer. Specifically, the results for the maximum incremental cancer risk are essentially the same for the 250-foot buffer and the 1,000-foot buffer. The buffer would not substantially reduce air quality impacts.

As shown in Section 4.3 of the EIR, the locations of the 10 in one million cancer risk contour line for the project design and the 1,000-foot buffer under the 30-year exposure duration are mostly coincident and overlap each other. The standard for implementing mitigation under CEQA is not whether it would have any benefit. The standard, as described in CEQA statute, is whether the proposed mitigation would avoid or "substantially reduce" a significant impact. A 1,000 foot buffer does not meet that standard and therefore does not need to be implemented. The City's Municipal Code Section 9.05.040B(9) requires a 250-foot setback between residential and industrial uses, based on project specific noise and air quality studies. Therefore, there is no need for a 1000-foot wide buffer of non-industrial land uses to be consistent with General Plan Policy 2.5.2. In addition, a buffer analysis indicates that a 1,000-foot buffer does not substantially reduce the impact (please refer to Master Response 4).

Response to Comment G-95-27. The commenter says a plot plan is needed to determine consistency with Policy 2.5.3. Since this is a programmatic EIR, future discretionary approvals will require additional California Environmental Quality Act (CEQA) analysis based on more details such as building size, location, architecture, and landscaping. The City would then require the plot plan to be consistent with this policy during their discretionary review process.

Response to Comment G-95-28. The commenter believes the Specific Plan does not have enough detail regarding façade treatments and mitigation is needed. The WLCSP Section 5.3 sets forth

architectural guidelines, and the City Council will decide whether they are sufficient and will consider the comment before making a decision on the project.

Response to Comment G-95-29. The commenter expressed concern about landscaping along the SR-60 Freeway. The Specific Plan provides design guidelines for the SR-60 area. The Plot Plan process provides for the City to review and approve every building proposal to insure compatibility with these guidelines and the General Plan policy cited in the comment. The ultimate decision on consistency will be made by the City Council.

Response to Comment G-95-30. The commenter had several specific design suggestions. Nothing in the proposed project suggests that the cited General Plan policy will not be carried out in the development of the WLC project. The Plot Plan process required by the Specific Plan allows for the City to review each building proposal and evaluate its consistency with the General Plan policies. The ultimate decision on consistency will be made by the City Council. The commenter says consistency with Policy 2.10.7 can only be done at the plot plan level. As outlined in the Response to Comment G-95-27 above, this is a programmatic EIR, future discretionary approvals will require additional CEQA analysis, and the City would require plot plans to be consistent with this policy during their discretionary review process. In addition, restrictions on lighting are already required as outlined in DEIR Section 4.1.6.4.

Response to Comment G-95-31. Section 5.2.12 of the Specific Plan 'Walls and Fences' lists design features that may include varied heights, wall plane offsets and angles. This addresses the commenter's concern.

The landscape areas shown in various cross sections in Section 4.2.8 illustrate that there is a minimum 20 foot landscape buffer as well as an additional 8 foot landscape area as part of the streetscape. This provides a total of 28 feet of landscaping between the sidewalk and the edge of development which is where a wall could be built. Additionally, the bioswales are in front of the sidewalk and therefore will not affect the landscaping for the purposes of screening.

Response to Comment G-95-32. The commenter wants mitigation added for a flat area next to SR-60 to provide for landscaping to effectively shield the buildings from freeway views. As outlined in the Response to Comment G-95-27 above, this is a programmatic EIR, future discretionary approvals will require additional CEQA analysis, and the City would require landscaping plans to effectively screen buildings from the freeway during their discretionary review process. See Response to Comment F-8-3 for text of new MM 4.1.6.2B to assure views will be effectively shielded from existing residential (only top quarter of the buildings can be visible under the revised measure).

Response to Comment G-95-33. The commenter wants more specificity regarding the landscaping buffer to be consistent with Policy 2.10.11. As outlined in the Response to Comment G-95-27, this is a programmatic EIR, future discretionary approvals will require additional CEQA analysis, and the City would require landscaping plans to effectively screen buildings from adjacent uses, consistent with this policy, during their discretionary review process. The ultimate decision on consistency will be made by the City Council.

Response to Comment G-95-34. The commenter is concerned about landscaping along the SR-60 Freeway. The reader should see Response to Comment G-95-10 and G-95-32 on this issue.

Response to Comment G-95-35. The commenter wants mitigation for a 200-foot no improvements buffer. The established 250-foot setback is to provide a horizontal separation between existing sensitive land uses adjacent to the project and the proposed buildings and truck yards. In general terms there will be at least 40 feet of landscape area behind the closest street right of way. Future project level approvals such as plot plans will demonstrate adherence to these requirements and will be further conditioned to comply. MM 4.1.6.1A identifies the appropriate buffer for the project/residential interface which will have extensive landscaping, walls and berms to provide

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

effective visual screening. The commenter has not indicated why a different buffer definition is needed. See also Response to Comment G-95-15 for additional information in this regard.

Response to Comment G-95-36. The commenter was concerned about 2:1 slopes for landscaping. Once the landscaping is established, the variation in ground cover itself will provide relief to the topography of the 2:1 slopes.

Response to Comment G-95-37. The commenter said the special landscaping would simply highlight there were industrial buildings nearby. The special edge treatment discussed in the specific plan (2.5) illustrates a landscape treatment that is residential in nature as compared to the internal street treatments proposed within the WLC.

Response to Comment G-95-38. This comment raises several issues. Section 4.1.6.4 of the EIR discusses the potential light impact of the project, and MMs 4.1.6.4A and B contain specific requirements for lighting impacts to be measured, evaluated and mitigated to minimize light spillage into the San Jacinto Wildlife Area (SJWA). The plot plan process is the best possible measure to evaluate the specific impacts of specific buildings when they are proposed, particularly as it relates to the screening of buildings from adjacent land uses. The light levels proposed for projects within the WLCSP will be designed to specifically address the needs of each individual building, its users, its operating hours and operating characteristics. Lighting plans will be a required part of each plot plan application to allow these details to be evaluated.

The commenter asks for additional screening of onsite improvements under MM 4.1.6.3A, and also has several comments about night lighting. It must be remembered this is a programmatic EIR and additional discretionary review will occur when specific development plans are submitted in the future. The WLC Specific Plan already requires that onsite improvements be screened (WLCSP Section 5.2.12) and the City requires screening during its standard development review process. Therefore, additional mitigation is not necessary regarding onsite screening.

The commenter asked that “white light” on the project be restricted per the Mt. Palomar Zone B requirements. Relative to onsite lighting and dark sky requirements, future development will be required to comply with the City’s lighting ordinance. MM 4.1.6.3A requires the WLCSP will be consistent with the City’s new lighting ordinance 851 (Moreno Valley Municipal Code Section 9.08.100). More information on “white light” spillage and low pressure sodium lighting along the SJWA boundary is provided in Responses to Comments F-1-21 and G-95-43.

The commenter asked that the Specific Plan standards be reduced for parking lot lighting and timers or motion sensors be added to switch off parking lights when not needed. The City has the discretion to require these types of controls under their revised lighting Ordinance 851, with which MM 4.1.6.4A requires compliance.

Response to Comment G-95-39. The commenter wanted the heights of light poles and wall mounted lights limited. Between the guidelines contained in the Specific Plan (Section 4.3), MM 4.1.6.4A and the requirement for building specific plot plan reviews, including lighting, the potential impacts on residential neighborhoods can be fully evaluated and addressed. See also Response to Comment G-95-38 for additional information.

Response to Comment G-95-40. The commenter wants the placement of street lights specified in the Specific Plan. The streets within the WLC are public streets and they may be used by anyone at any time. The City of Moreno Valley will determine the lighting necessary for these roadways and the project will be required to install said lighting at such time as development occurs.

Response to Comment G-95-41. The commenter wants light pole heights and building lights limited so they won’t affect nearby residents. Future development will be required to comply with the City’s

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

revised lighting ordinance (MM 4.1.6.4A) which limits industrial lighting impacts on adjacent residential uses, including light pole heights and building light placement, consistent with the commenter's direction. Therefore, no additional mitigation is needed.

Response to Comment G-95-42. The commenter said solar panels should be used as shade covers in project parking lots. It is most likely solar panels will be roof-mounted installations to minimize intrusion of panels into developable space. While no parking lot solar panel assemblies are proposed at this time, such installations would be in keeping with the sustainable nature of the WLC project. Therefore, they would be considered on a case-by-case basis on future submittals. In addition, Aesthetics MM 4.1.6.4B was modified as follows:

4.1.6.4B ~~Prior to the issuance of any building permits for development under the WLCSP, the developer shall provide an analysis of any solar panels to be installed on the roof of the new building. The analysis shall demonstrate that, under "worst case" annual conditions, glare from the proposed panels will not leave the confines of the roof, based on building roof parapet design, and affect adjacent residential uses or public travelers along perimeter roadways. Design or construction modifications necessary to meet these requirements shall be implemented to the satisfaction of the City Planning Division.~~

4.1.6.4B Each Plot Plan application for development shall include an analysis of all proposed solar panels demonstrating that glare from panels will not negatively affect adjacent residential uses or negatively affect motorists along perimeter roadways. Design details to meet these requirements shall be implemented to the satisfaction of the Planning Official.

Response to Comment G-95-43. The commenter recommends low pressure sodium (LPS) lighting throughout the WLCSP area. MM 4.1.6.4C in the original DEIR stated..."Prior to the issuance of any building permit for development under the WLCSP, low pressure sodium (LPS) lighting shall be installed on the south sides of any building adjacent to the San Jacinto Wildlife Area (SJWA) to minimize "white" light spillage into the SJWA. This measure shall be implemented to the satisfaction of the City Planning Division based on consultation with the SJWA manager." However, the measure was eliminated due to low pressure sodium lights being prohibited in the City's new Ordinance 851 which amends City Municipal Code Section 9.08.100. The project will still need to minimize white light spillage into the adjacent SJWA and will comply with Ordinance 851. Light intensity levels will be maintained at levels outlined in that ordinance (i.e., prohibit lighting in excess of 0.25 foot candles within 5 feet of adjacent property lines). The reader should also see Response F-1-21 regarding low pressure sodium lighting.

Response to Comment G-95-44. The commenter states only the Specific Plan area should be evaluated using the (California) Land Evaluation and Site Assessments (LESA) model. The LESA analysis in the PB agricultural report (DEIR Appendix C-2) was rerun using just the new 2,610-acre area of the Specific Plan, and the LESA score goes from significant to less than significant. A second agricultural report was prepared by Cushman-Wakefield (Final EIR Volume 2, Appendix C-4) that supported this conclusion of a less than significant impact relative to the loss of agricultural land. However, additional mitigation for loss of agricultural land in the form of a conservation easement on offsite agricultural land to compensate for the loss of onsite unique farmland. The commenter is referred to Response to Comment F-7A-39 for wording of addition MM 4.2.6.1A.

Response to Comment G-95-45. The commenter again indicates only the Specific Plan area should be included in the LESA calculation. The LESA model was re-run to do this as outlined in the Response to Comment G-95-44.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-95-46. The commenter asks why middle of the property is excluded from the calculation as shown in Figure 4.2.2. The referenced map shows agricultural land as indicated by the State Farmland Mapping Program, it does not relate directly to the LESA calculation process, which did use the entire Specific Plan area, plus the state conservation land to the south in the original analysis (DEIR Appendix C-2). As outlined in the Response to Comment G-95-44, the LESA model was re-run using just the WLCSP property and determined loss of agricultural land was actually a less than significant impact – this conclusion was supported by a second independent report prepared by Cushman-Wakefield (Final EIR Volume 2 Appendix C-4).

Response to Comment G-95-47. The commenter again says the LESA model calculations should only apply to the specific plan area. The Response to Comment G-95-44 above addresses this concern, and the model has been re-run to address this concern.

Response to Comment G-95-48. The commenter states agriculture would no longer be an approved use under the Specific Plan. The commenter is correct, as the land transitions from agriculture to warehousing, those activities are not generally compatible due to dust, farm vehicles on local roads, etc. However, existing farming activities, which are currently on most of the project site, could continue until in an area until that area develops.

Response to Comment G-95-49. The commenter expresses concern about the visual mitigation in Section 4.2 of the DEIR. The commenter should note that MM 4.1.6.3A has been revised to allow for the preservation of two thirds of the vertical view of Mt. Russell, as outlined in Response to Comment F-8-3.

Response to Comment G-95-50. The commenter is concerned the project will take credit for existing state conservation land. The WLC project is not “taking credit” for the state conservation land included in the General Plan Amendment and Zone Change, the DEIR was trying to explain the relationship of the various areas within the WLC project. Section 4.4.1.16 explains the history of the state conservation areas south of the WLC development area.

Response to Comment G-95-51. The commenter mentions the right to farm ordinance only applies to existing agricultural uses on the property at present. That is correct, and the rationale for that is explained in the Response to Comment G-95-48 in this letter. The definition of the CDFW Conservation Buffer Area can be found in FEIR Volume 2 DEIR Section 4.4.

Response to Comment G-95-52. The commenter says MM 4.2.6.1A cannot be left to City staff to implement. However, this mitigation measure has been replaced with a new measure that requires the provision of an offsite agricultural conservation easement which is now considered the appropriate mitigation for the agricultural impacts of the WLC project (i.e., loss of 25 acres of Unique Farmland).

Response to Comment G-95-53. The commenter wonders if the state can run an agricultural mitigation bank. As outlined in the Response to Comment G-95-44, new MM 4.2.6.1A requires the developer to acquire a conservation easement on offsite farmland of equal productivity.

Response to Comment G-95-54. The commenter asks that a minor correction be made to page 4.2-18 in the DEIR regarding farming of the state conservation land to the south. This correction will be made in the revised DEIR (Final EIR Volume 2).

Response to Comment G-95-55. The commenter says the LESA Model SA score would be higher. In fact the LESA model was re-run per the commenter’s earlier suggestions and the score went from significant to less than significant as the SA score went below 20 (19.5 in one calculation, 18 in the other). For additional information, see the Response to Comment G-95-44.

Response to Comment G-95-56. The commenter says the heritage farm will place a burden on the City. This mitigation measure has been replaced with a new measure MM 4.2.6.1A that requires the provision of an offsite agricultural conservation easement which is now considered the appropriate mitigation for the agricultural impacts of the WLC project (i.e., loss of 25 acres of Unique Farmland).

Response to Comment G-95-57. The commenter asks that a number be corrected in the cumulative agricultural impacts section. That correction will be made in the revised DEIR (Final EIR Volume 2).

Response to Comment G-95-58. The commenter asks why local farming options were not explored that would reduce greenhouse gas emissions. As outlined in Section 4.2.7, *Agricultural Resources – Cumulative Impacts*, continued farming on the project site is not economically feasible given the high cost of water and property taxes on the vacant land. Local groundwater, which could be available via several onsite agricultural wells, cannot be used to irrigate crops due to its high nitrate and salinity levels based on irrigation limits established by the Regional Water Quality Control Board and the Eastern Municipal Water District. At present, dry farming with its low planting and maintenance costs is the only economical agricultural activity on the project site, so keeping a large portion of the project site in agriculture to offset greenhouse gas emissions from new warehouses is not feasible given current economic conditions. In addition, Response to Comment F-7A-45 explains why local groundwater cannot be used to irrigate onsite crops.

The developer has indicated the farmers that utilize the WLC property try to market their winter wheat as close as possible to the City to minimize transportation costs, which is one of the main reasons to dry farm compared to raising irrigated crops (i.e., low cost). In addition, the Greenhouse Gas (GHG) analysis for the WLC project assumed no existing emissions from onsite activities to provide a worst case estimate of WLC emissions (i.e., only from new development) and also did not claim any credit for reductions of GHG from onsite absorption from onsite vegetation of local sales of onsite dry farmed crops. Such emissions would be a miniscule portion of the estimated tons of GHG emissions from the WLC project that such minor contributions, positive or negative, would have demonstrable effect on the outcome of the analysis.

Response to Comment G-95-59. The commenter asks for clarification for why over 1,000 acres of area not included in the development plan were evaluated in the Agricultural Resource Assessment. In the Original Agriculture Resources Assessment, the State conservation area was included in the calculations in an attempt to overestimate and not minimize potential impacts to the surrounding area. The agricultural assessment has been revised to exclude the State conservation area and the LESA model calculations were reanalyzed based on this smaller acreage. The smaller acreage caused the results of the LESA model calculations to change the level of significance to less than significant.

Response to Comment G-95-60. The commenter states that the limits of the WLCSP are incorrectly shown in the Agricultural Resource Assessment due to the inclusion an open space area which is only part of the GPA. The area that the commenter refers to is the CDFW Conservation Buffer Area which has been taken out of the Agricultural Resource Assessment (Appendix C-2 of the FEIR Volume 2) and the agricultural analysis of the project site has been revised.

Response to Comment G-95-61. The commenter states that the crop information in regard to citrus growth in the project is incorrect. The project area has supported a wide variety of agriculture, over the years including citrus. The commenter is referred to the Revised Agricultural Resources Assessment page 6-7 in Appendix C-2 of FEIR Volume 2 for additional information and references. According to historical records, and as outlined in Section 4.2.1 of the DEIR, the Moreno Valley has supported a number of agricultural crops over the years, including citrus. In fact, until recently, there were over 50 acres of citrus growing on a nearby property northwest of the WLC property (the ProLogis site just east of the auto center off of Auto Center Drive and the 60 Freeway. However, to be

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

responsive to the comment, the cited text will be changed to say the following... Historically one of the important crops in the region was irrigated citrus fruit.

Response to Comment G-95-62. The commenter requests an evaluation of using onsite well water for crop irrigation. As outlined in Responses to Comments G-95-58 above and F-7A-45, onsite groundwater cannot be used because it is too expensive and does not meet the water quality limits established by Eastern Municipal Water District for crop irrigation.

Response to Comment G-95-63. The comment states that an egg production ranch that used to be on the project site needs to be described in the agricultural assessment. The requested update has been made and the commenter is referred to the Revised Agricultural Resources Assessment page 7 in Appendix C-2 of FEIR Volume 2.

Response to Comment G-95-64. The commenter requests that the rainfall for the proposed project area be verified. As published by the Moreno Valley city website the annual rainfall for Moreno Valley is approximately 9.9 inches. The commenter is referred to the Revised Agricultural Resources Assessment page 8 in Appendix C-2 of FEIR Volume 2 for references.

Response to Comment G-95-65. The commenter wants a term changed to “man-made ponds and lakes” on page 14 of the agricultural report prepared by Parsons Brinckerhoff (revised December 2013). However, the commenter did not state what term should change and it is not clear to what term he was referring. It should be noted the PB agricultural report was revised based on a number of comments and changes in the WLC project. The commenter is encouraged to read the revised version of that document.

Response to Comment G-95-66. The commenter points out an inconsistency between the site elevations given in the DEIR and the Agricultural Resources Assessment. In response to this comment, the elevation in the Revised Agricultural Resources Assessment has been updated to reflect the correct project site elevations. The commenter is referred to the Revised Agricultural Resources Assessment page 8 in Appendix C-2 of FEIR Volume 2 for changes.

Response to Comment G-95-67. The commenter states that the Lake Perris Recreation area comprises less than the 50% of the Zone of Influence Area. The agricultural assessment has been revised based on revisions to the WLCSP and this comment. The revised assessment lists the recreation area as comprising less than 25% of the revised Zone of Influence.

The commenter also states that a six sided geometric shape should be used instead of a rectangle when determining the Zone of Influence. According to the *California Agricultural Land Evaluation and Site Assessment Model*, a rectangle with a 0.25 mile buffer from the project boundary is the prescribed shape that must be used when determining the Zone of Influence for a project area.

Response to Comment G-95-68. The commenter states that Section 3.4 of the Agricultural Resources Assessment is incorrect and needs to be reassessed. The agricultural assessment has been revised based on revisions to the WLCSP and this comment. The revised Agricultural Resources Assessment concludes that there is not a significant impact on farmland of local importance. The commenter is referred to the Revised Agricultural Resources Assessment page iv and 25 in Appendix C-2 of FEIR Volume 2 to see specific changes.

Response to Comment G-95-69. As shown on the Federal Emergency Management Agency Flood Insurance Rate (FIRM) Maps 06065C0760G, 06065C0770G, and 06065C0790G; none of the surrounding residential areas fall in the Zone A, 100-year flood plain. This does not mean that localized flooding does not occur. Existing conditions for the project are documented in the Master Plan of Drainage, Appendix J of the DEIR. In the existing condition, localized flooding does occur at Gilman Springs Road and the southwest corner of the property near Merwin Avenue. Watershed Area

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

“A”, shown in Figure 3, drains to this area. In a significant storm, runoff from Watershed Area “A” will sheet flow across the agricultural land to the southwest corner of the project at Alessandro Boulevard and Merwin Street. In the existing condition, flows leave the project boundary via a culvert under Alessandro Boulevard which outlets to an existing ditch. The capacity of the existing ditch south of Alessandro Blvd was evaluated and does not have the capacity to convey the 100-year storm in the existing conditions. In the proposed condition, flows leaving the project’s boundary will be mitigated to less than the existing flow with the construction of Detention Basin A1 shown on Figure 1, Proposed Storm Drains and Basins. Also, the ultimate Moreno Master Drainage Plan open channel facility from the Basin to Redlands Avenue will be constructed. These facilities will be designed to convey the 100-year storm and will reduce the risk of flooding.

Response to Comment G-95-70. The commenter recommended changes to the text on page 4.9-25 of the DEIR. This change has been made in the revised DEIR.

Response to Comment G-95-71. The commenter questions an inconsistency in housing figures on pages 4.13-2 and 4.13-3 in the DEIR. These figures has been made consistent in the revised DEIR.

Response to Comment G-95-72. The commenter points out various inconsistencies in employment and fiscal benefit figures in several places in the DEIR. These inconsistencies has been resolved in the revised DEIR.

Response to Comment G-95-73. The 24,642 employees noted in the DEIR is not a “worst-case” estimate, and is not cited as such in the document. The projection is simply an estimate based on the successful construction of 40.6 million square feet of logistics facilities and the expected number of direct, indirect and induced jobs anticipated from this square footage. Regarding infrastructure needs, while the number of roads and sewer and water facilities required by the project may be relatively static and not be impacted by relatively small changes in the number of jobs actually created within the WLC (and in fact will be entirely funded by the project), the magnitude of many public services and maintenance costs will be a direct function of the number of employees generated by the project. For example, the number of calls for fire and police protection services, the need for road maintenance and the garbage and sanitation service requirements of the project will all correlate to some extent with the number of employees who are generated. The implication that the generation of “only” 20,000 or 22,000 jobs will mean that the project is no longer beneficial to the City is incorrect. In reality, the benefits associated with significantly increased employment opportunities in a City that is as “job-poor” as Moreno Valley are significant, and outweigh minor increases in public costs per new job, should such increases even exist.

Response to Comment G-95-74. According to the 2010 U.S. Census, of the 56,429 employed persons residing in Moreno Valley in 2010, 17.6% were employed in production, transportation and material moving occupations, 14.9% were employed in service occupations and 11.3% worked in construction, extraction and maintenance occupations. Many of these 24,609 employed residents will find suitable employment in WLC, especially those residents that currently commute to Los Angeles or Orange Counties, or other parts of the Inland Empire, for work.

OCCUPATION	No. of Residents By Occupation	Pct. of Residents By Occupation
Management, professional, and related occupations	14,206	25.2%
Service occupations	8,408	14.9%
Sales and office occupations	17,328	30.7%
Farming, fishing, and forestry occupations	205	0.4%
Construction, extraction, and maintenance occupations	6,377	11.3%
Production, transportation, and material moving occupations	9,905	17.6%
Total	56,429	100.0%

**Source: Census Bureau. See Exhibit Q.*

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

In addition, there will be a significant number of sales and office workers employed in the WLC, as well as management staff, engineers and computer professionals, many of whom also currently reside in Moreno Valley. There is therefore considerable opportunity for current residents of Moreno Valley to find work in WLC.

Furthermore, the concept of workers from outside of Moreno Valley being attracted to jobs in WLC is not a valid argument against the construction of the project. First, many of these employees might seriously consider moving closer to work, thereby enhancing property values within the City and drawing in more businesses and services jobs to meet the needs of these new residents. In addition, it is to the benefit of the entire Inland Empire to provide more jobs in locations within its borders, as employees driving to Moreno Valley from Riverside, Perris and other local communities will no longer be clogging the roads to LA and Orange County, and will have more family time and an overall improved quality of life. Please refer to Response to Comment G-51 for a more detailed response to this item.

Response to Comment G-95-75. Note: The commenter refers to an example analysis in the response, but neglected to attach the document.

The intent of the fiscal impact analysis is to analyze the “fiscal balance” at build-out of the WLC, in terms of how the project will affect the City General Fund. Notably, the study does not address any cost of living increases or inflation as these projections would be speculative at best and hard to predict over a 20-year span. Similarly, on the revenue side, the concept of increasing real estate taxes from property appreciation, increasing sales taxes due to price inflation, increasing user charges, etc. are also not accounted for. Again, it would be speculative to assign rates of increase in potential revenue streams over a 20-year span, so as is the case for most fiscal impact analyses, the DEIR uses costs and revenues based on constant (2013) dollars. Fiscal issues aren’t CEQA issues, CEQA Guidelines Section 15131, but the City Council will consider all comments before deciding whether to approve the project.

Response to Comment G-95-76. The DEIR relied upon governmental sources (i.e. Bureau of Labor Statistics, Employment Development Department and the Census Bureau) for the applicable wage data within the logistics sector. Importantly, these numbers have been compiled from these data sources based on County and Metropolitan Statistical Area data pertinent to the WLC. Specifically, the analysis utilized a monthly wage for full-time equivalent employees working within the logistics industry taken from the U.S. Census Bureau and annualized that number. It would follow that even if employees are temporary, their monthly salary would be equivalent to that of a permanent worker, and as the Census figure represents full-time equivalent employees, a worker only employed for a portion of a month would only be counted within the Census data for the portion of the month that they were actually employed.

Response to Comment G-95-77. The economic impact report portion of the DEIR addresses the full-time equivalent job number of 16,395 one-time construction workers by acknowledging that since the actual construction will occur over a 10-year period, this figure is equivalent to approximately 1,700 jobs per year. The report also makes the assumption that half of the total indirect and induced jobs generated in the County will be realized within the City. In general, the impact realized within the City is determined using Impact Analysis for Planning (IMPLAN) zip code data that analyzes the economic activity allocated to each of the zip codes within the County.

Response to Comment G-95-78. The commenter states the revenue figure shown on page 4.13-14 of the DEIR is not consistent with the project economic report. The economic report has been revised based on changes to the Specific Plan, and this inconsistency will be corrected in the revised Draft EIR (Final EIR Volume 2).

Response to Comment G-95-79. The commenter says the “loss” of the Moreno Highlands Specific Plan (MHSP) would also result in a loss of jobs from that land plan. It must be remembered CEQA does not allow a “plan to plan” comparison for the purposes of determining significance, but can only be used for comparison to show what could happen if existing conditions continue, as was done under the No Project – Existing General Plan Alternative examined in Section 6.3.5 of the DEIR. The estimate of jobs for the WLC project should not be “masked” by the paper comparison of jobs that might have been introduced if that land plan was developed instead of the proposed WLC project. However, it is at least interesting to note that the MHSP would indeed have introduced some small amount of new employment into this area, but on the order of approximately 24,000 jobs with a mixture of office and retail workers, based on the current land plan (DEIR Table 3.A and Figures 3-4 and 4.10-2).

The commenter is correct and the Section 6.3.2 of the revised Draft EIR (Final EIR Volume 2) has been revised to remove the land uses proposed for the subsequently approved CDFW Conservation Buffer Area land. That analysis shows reduced development-related impacts (e.g., traffic, air quality still does not meet the project objectives to nearly the same degree as the proposed WLC project because it is still largely residential and does not introduce a large amount of employment-generating uses.

Response to Comment G-95-80. The commenter says the job figures on page 5-5 are not consistent with the project economic study. This inconsistency has been corrected in the revised Draft EIR (Final EIR Volume 2).

Response to Comment G-95-81. The commenter says there are additional job and revenue figures on page 5-5 that are not consistent with the project economic studies. These inconsistencies have been corrected in the revised Draft EIR (Final EIR Volume 2).

Response to Comment G-95-82. Home values are often affected by a myriad of circumstances that are hard to predict, however, the construction of the project is expected to attract additional non-residential development that will provide services to the WLC, which in turn will draw more business to the City. While there is a possibility that the proximity of a warehouse and potential truck traffic could negatively affect the price of a home, it is also likely that the addition of employees wanting to live near their place of work will increase demand to residential communities, thereby driving up residential property values in other portions of the City, albeit not directly adjacent to the WLC. Finally, the WLC itself will improve the City's tax base as described above. CEQA is concerned with physical impact of urban blight and not mere decreases in value.

Response to Comment G-95-83. The commenter asked of the No Project – Existing General Plan alternative took into account the loss of 1000 acres for the land purchased by the state as conservation land. No project would mean no change. There is no “loss” of 1,000 acres.

The commenter is correct and the Section 6.3.2 of the revised Draft EIR (Final EIR Volume 2) will be revised to remove the land uses proposed for the subsequently approved CDFW Conservation Buffer Area. That analysis shows reduced development-related impacts (e.g., traffic, air quality still does not meet the project objectives to nearly the same degree as the proposed WLC project because it is still largely residential and does not introduce a large amount of employment-generating uses.

Letter G-96: Margie Breikreuz (April 8, 2013)

TO: Mark Gross
City Planner

FROM: Margie Breitkreuz

DATE: April 8, 2013

RE: Response to DEIR – WLC Warehouse Project

This letter is written in response to the World Logistic Center warehouse project's draft EIR. I appreciate the opportunity to provide my concerns with the project.

Air Quality

How will issues of air quality and diesel soot be addressed when Southern California, specifically the Inland Empire, already has the worst air quality in the nation? Adding 41.6 million square feet of warehouse space and associated diesel truck pollution will only exacerbate our current poor air quality.

The Clean Air Task Force website based on the 92555 area code states: "The *lifetime* cancer risk from *diesel soot* in our community exceeds the risk of all other air toxics tracked by EPA combined.

- 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."

Pollution levels will greatly intensify with the WLC as our surrounding mountains act as a natural barrier and currently trap pollution blown in from Los Angeles County.

NRDC investigators found in a majority of cases the greatest concentration of diesel vehicles – at bus stops, distribution centers, and industrial facilities – were typically located in low-income communities. This pattern is consistent with numerous studies showing that a higher percentage of environmental hazards are concentrated in such areas.

The DEIR does not sufficiently address the airborne cancer risks of the number of diesel trucks servicing the WLC warehouse project.

Economic Impact

How will the financial burdens of the WLC are addressed in the following areas:

- The lack of mixed-use, diversified businesses; (many warehouses throughout the Inland Empire remain unoccupied).

1

2

- The impact of heavy truck traffic to our infrastructure.
- Low square footage to employment levels.
- The cost of monitoring unlawful truck parking, traffic patterns, and idling as currently exhibited in Mira Loma.
- The consensus that logistics/warehouses provide a relatively poor return on public investment and generally do not represent the highest and best use to which real-estate should be devoted. (O’Connell)
- The cost to the community for medical coverage for seasonal and part-time employees.
- The low tax base.

▲
— 2

Traffic Issues

The DEIR does not address the traffic issues such as:

- The lack of access to rail, airport and freeway accommodations increasing the driving time for diesel trucks.
- The impact of 24-hour/seven day a week businesses to traffic patterns and freeway capacity.
- Inadequate lanes on the 60 freeway to handle increased truck traffic.
- Increased commuter time due to inadequate freeway ingress/egress. Current improvements only address current needs. How will current freeway exits handle the increased truck traffic?
- The cost of monitoring unlawful truck parking, traffic patterns, and idling as currently exhibited in Mira Loma.

— 3

Livable Communities

How will the DEIR for the WLC address livable community resources?

- Reduced quality of life issues impacting home sales in Moreno Valley.
- The need to build sound walls to protect current neighborhoods from noise levels destroying city views.
- Reduced home values caused by clustered, mega-scale warehouse complexes.
- The impact to homes surrounded and bordered by the WLC.
- The impact 24-hour truck traffic will have on resident commute time impacting their participation in school and community events, parental supervision of children, cost of extended day care, etc.
- The impact of truck traffic noise and lights.
- The lack of job opportunities that provide adequate salaries, job security, and promotion opportunities.
- Few if any jobs for local residents.

— 4

Nature

How will the WLC protect Moreno Valley residents and the resources of the San Jacinto Wildlife Area from diesel and noise pollution?

— 5

RESPONSES TO LETTER G-96

Margie Breikreuz

Response to Comment G-96-1. The commenter indicates that the Draft Environmental Impact Report (DEIR) does not sufficiently address cancer risks of the number of diesel trucks servicing the World Logistics Center (WLC) project.

The health risk assessment contained in both the DEIR and the revised analysis provided detailed estimates of the project's diesel truck emissions and their resulting health risk and non-cancer hazards to nearly 5,000 individual receptor locations. The diesel emissions were estimated for on-road diesel vehicles that would travel on nearly 500 individual roadway segments from Palm Springs to the ports of Los Angeles and Long Beach, as well as support equipment that would operate on the project site, including emergency standby diesel generators, yard hostlers, and forklifts. The resulting cancer risks and non-cancer hazards were fully discussed therein.

Response to Comment G-96-2. (bullet points 1-7).

1. Please reference the Response to Comment G-95-24.
2. Please reference the Response to Comment G-57-1.
3. Please reference the Response to Comment G-53-2.
4. The City will enforce existing traffic laws to assure compliance by WLC traffic with these laws. The Traffic Impact Analysis prepared as part of the DEIR discusses these issues in further detail in Section 12C. Costs are covered because of net benefit to City revenues.
5. The highest and best use for property is determined based on the economic demand for a particular land use for a site in a given location. Based on the current demand for logistics facilities versus other uses in this portion of Moreno Valley, Applicant has determined that logistics is the highest and best use for its property.
6. Please reference the Responses to Comments for F-9A-40, F-9A-41, and F-11-21.
7. Per the Final Environmental Impact Report (FEIR), the assessed value (once the WLC is built-out) is expected to be approximately \$3.7 Billion, which will increase the City's tax base significantly. Please reference Response to Comment G-95-82.

Response to Comment G-96-3. The commenter requests that the Traffic Impact Assessment (TIA) analyze rail access, inadequate lanes on SR 60, and adequacy of the current freeway exits to handle increased truck traffic. Also the cost of monitoring unlawful truck parking, traffic patterns, and idling as currently exhibited in Mira Loma.

An additional section (Chapter 4, Section F) has been included in the TIA that analyzes the potential for serving project trips by rail. The analysis showed that rail service to the project site is not viable due to a range of factors, including high fixed costs, secondary impacts on the community, and capacity constraints within the rail system.

The adequacy of SR-60 to handle the WLC traffic was fully analyzed in the TIA and needed mitigation measures were identified. As discussed in Chapter 4, Section B of the TIA the current freeway exits at Theodore Street are inadequate for the forecast WLC traffic volumes. Improvements to the Theodore Street Interchange are currently being studied by the City and Caltrans. The WLC developers will be required to pay their fair share of these improvements, as they paid for the earlier

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

improvements done in conjunction with the Skechers warehouse. See MM Trans-5, Chapter 11, Section G.

The cost of enforcing traffic local laws is covered by taxes. The WLC will be one of the largest taxpayers in Moreno Valley. The adequacy of the taxes paid by the WLC to cover the costs incurred by the City, including police costs, is discussed in the financial analysis.

Response to Comment G-96-4. The commenter expressed a variety of concerns regarding the project, as outlined below:

(1) reduced quality of life and home sales – the term quality of life is somewhat vague but the potential environmental impacts of the WLC project on both the natural and man-made environment were evaluated in the Draft EIR Sections 4.1 through 4.16, some of which the commenter would probably agree constitute quality of life (traffic, noise, views, etc.). The DEIR determined there would be significant impacts related to views, agriculture, air quality, climate change, land use, noise and traffic. California Environmental Quality Act (CEQA) does not require an analysis of economic impacts such as home prices or sales. However, to date there has been no empirical evidence or case studies presented that would demonstrate the WLC would result in fewer homes sales or lower property values in the City.

(2) Sound walls and loss of views – Section 4.12 of the DEIR does recommend a variety of sound walls to help reduce noise impacts along a number of City streets as a result of WLC passenger vehicle traffic contributing to increased noise levels in the future. It is likely that installation of some of these sound walls will reduce views from the affected residential lots, however, installation of the sound wall would be at the discretion of the affected property owner, and the City Council will consider all comments and responses on the project and EIR before making a decision on the WLC project.

(3) decreased home prices – see response #1 above.

(4) 24-hour traffic affecting community activity – the revised traffic impact assessment (TIA) for the project indicated truck traffic from the WLC project would not have significant impacts on local schools, and there is no way to quantify or correlate project-related traffic to any changes in community activity participation, nor is there any reason to believe traffic in general affects decisions by parents or persons to participate in any activity outside of their residences.

(5) Trucks generating more noise and light – Section 4.12 of the DEIR examines potential noise impacts of the WLC project on local roadways, but it must be remembered that local traffic will be mainly passenger vehicles going to and from the project site because trucks will be limited to established truck routes and most project truck traffic will utilize Theodore, SR-60, and Gilman Springs Road. General lighting impacts of project development were evaluated in DEIR Section 4.1.6.5, however, lighting from vehicles traveling on roadways is not considered a significant impact. Onsite truck lighting is not considered significant due to the planned berms, landscaping, fencing, and other visual screening required of the project (see revised MM 4.1.6.2B related to project screening).

(6) lack of new jobs – the economic report (DTA 2014) indicates the WLC could generate over 20,000 new jobs in the community at a variety of income levels with both part-time and full-time conditions.

(7) few local jobs – As outlined in the Responses to Comments G-33-9 and G-74-5, a Local Hiring Program will provide City residents with information on construction or warehousing jobs within the World Logistics Center Specific Plan (WLCSP) before the information is advertised regionally.

Response to Comment G-96-5. The commenter asked how the WLC project would protect Moreno Valley residents and resources of the San Jacinto Wildlife Area from diesel and noise pollution.

The project will implement a number of project design features and mitigation measures to minimize its impacts to residents and the resources of the San Jacinto Wildlife Area. These measures and features include allowing only the cleanest diesel trucks to access the project, as well as several other measures discussed in Response to Comment Letter E-3-8. Other features include prohibition of truck travel along several roadways that are run through populated areas, such as Redlands Boulevard south of Eucalyptus Avenue and Cactus Avenue, minimum building setback of 250 feet from residentially occupied or zoned property, and special edge treatments along the Redlands/Bay/Merwin edge in the west and southwest portions of the project and along the San Jacinto Wildlife edge to the south that would prohibit buildings, truck courts, loading areas, truck circulation areas, or truck or trailer storage areas in these area (see the World Logistics Specific Plan for additional details).

Letter G-97: Otana Jakpor (April 8, 2013)

Mr. John Terell
 City of Moreno Valley
 14177 Frederick Street
 Moreno Valley, CA 92553

Otana Jakpor
 16941 Mockingbird Canyon Rd.
 Riverside, CA 92504
 April 8, 2013

Dear Mr. Terell:

I have long been concerned about air pollution, as I have grown up in Riverside and have seen firsthand how air pollution has affected people I care about. I am a volunteer for the American Lung Association and a student at the University of Southern California double-majoring in Global Health and Biology. I have previously interned with the USC-UCLA Southern California Environmental Health Sciences Center studying the goods movement industry and its impact on health. I received a Clean Air Award from the South Coast Air Quality Management District and was given the President's Environmental Youth Award for EPA Region 9 by President Bush in 2008 for my research and public policy advocacy concerning air pollution.

As we look at goods movement, it is readily apparent that the key to minimizing the health impacts of goods movement is strategic placement of intermodal facilities and the use of greener technologies. The proposed location of the World Logistics Center, with no access to railroad for the possibility of "clean trains," means a massive increase in diesel truck traffic. Please explain why such a massive warehouse complex with an associated massive increase in truck traffic would be situated in an area that is already in non-attainment according to federal and state air standards. The American Lung Association has given this region an "F" grade for air quality, and there could hardly be a worse area in the United States for situating a massive warehouse complex, as we already have some of the worst air quality in the country. I am glad that the World Logistics Center plans to use LED lights and become LEED certified, but I fail to understand how that will mitigate the effects of a massive increase in diesel truck traffic and its resulting pollution.

1

In my own research studies, I found several people to have asthma that had not been previously diagnosed. Even if people fail to recognize the impact of air pollution on their health, it does not mean that the poor air quality is not having an impact. In fact, we just need to look at published scientific studies to see that air pollution is having a huge impact on the health and economy of our region.

I believe that the draft environmental impact report failed to sufficiently evaluate the impact of the resultant increase in air pollutants upon pulmonary health. There was much focus on cancer risk, but insufficient focus on asthma, COPD, and the pulmonary development of children. The draft environmental impact report failed to even reference the landmark USC Children's Health Study that found a stunted rate of lung function growth, particularly in Mira Loma—a nearby example of a "warehouse city." The report also failed to calculate the economic costs from rising health impacts of increased air pollution. There has not been a true cost-benefit analysis of this project. The increased health costs would off-set some of the economic benefits of new jobs in Moreno Valley.

2

The draft environmental impact report also failed to address the impact of the increase in air pollutants on cardiovascular health. Particulate air pollution is associated with heart attacks and strokes. Please calculate this impact and the resulting economic cost of this impact. Such a large project as this could have a negative effect on life-expectancy in Moreno Valley.

3

I am strongly opposed to the building of the World Logistics Center which has a number of "significant and unavoidable impacts" on air pollution in this region, and therefore on the health and economy of this region.

Sincerely,

Otana Jakpor

RESPONSES TO LETTER G-97

Otana Jakpor

Response to Comment G-97-1. The entire South Coast Air Basin (SCAB) is in nonattainment. Air quality in the region has significantly improved in the past two decades, as discussed in the Draft Environmental Impact Report (DEIR) (Figure 4.3.1: Percent of Days Basin Exceeds Federal Ambient Air Quality Standards (AAQS); Figure 4.3.2: Exceedances of 1-Hour and 8-Hour Federal Standards; Figure 4.3.3: Number of Days per Month Federal Ozone Standard Exceeded, 1976–2000; Figure 4.3.4: NO_x, VOC, and Ozone Trends in the South Coast Air Basin; and Figure 4.3.5: Particulate Matter Trends in the South Coast Air Basin).

Further, a review of PM_{2.5} air quality trends in the Inland Empire including air monitoring data at Mira Loma, Fontana, San Bernardino, and Riverside Rubidoux have shown marked downward trends in the Inland Empire since 2001. PM_{2.5} is often used as a surrogate for airborne particulate matter such as diesel PM. These trends are evident despite the urban and logistics warehouse development during this time period. These trends are shown in Exhibit 2, Particulate Matter Trends and Emissions Forecast, contained in the revised analysis and shown in Master Responses in Letter C-3.

Section 4.F of the Traffic Impact Assessment (TIA) (FEIR Volume 2 Appendix L-1) analyzes the use of rail for the project. It is infeasible to ship cargo from the port to the WLC as it will actually have worse environmental impacts to the surrounding area, requires high fixed costs for handling rail cargo, and is physically impractical based on the topography of the area.

There is significant demand in Southern California for high-cube warehousing. In fact, the SCAG Warehouse forecast titled "Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities" estimates that the demand for warehousing in Southern California will exceed available land and that by 2035 there will be a shortfall of 228 million square feet in available warehouse facilities. If the project were not constructed at the proposed site, warehouses would likely be constructed elsewhere in the air basin. The policies of the region do not seek to attain compliance with ambient air quality standards through prohibiting growth. In fact, regional planning documents like the South Coast Air Quality Management Plans seek through the application of advanced emission control technology, which this project is implementing through measures such as requiring 2010-compliant trucks. All of the air quality improvements in the South Coast Air Basin over the 50 years have been achieved through the use of cleaner technologies, not prohibitions on development.

(http://www.valleyconnect.com/~valleyco/images/stories/Library/reports/SCAG_IndustrialSpaceInSouthernCalifornia.pdf)

The commenter wonders why there is no rail access for the project. An additional section (Chapter 4, Section F) has been included in the TIA that analyzes the potential for serving project trips by rail (FEIR Volume 2 Appendix L-1). The analysis showed that rail service to the project site is not viable due to a range of factors, including high fixed costs, secondary impacts on the community, and capacity constraints within the rail system.

The commenter also wonders why the project is situated in a nonattainment area. The entire South Coast Air Basin is in nonattainment. If the project were not constructed in the proposed site, warehouses would likely be constructed elsewhere in the air basin. The policies of the region do not seek to attain compliance with ambient air quality standards through prohibiting growth. In fact, regional planning documents like the South Coast Air Quality Management Plans seek to reduce air emissions through the application of advanced emission control technology, which this project is implementing through measures such as requiring 2010-compliant trucks. All of the air quality

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

improvements in the South Coast Air Basin over the 50 years have been achieved through the use of cleaner technologies, not prohibitions on development.

Response to Comment G-97-2. The commenter indicated that the DEIR failed to sufficiently evaluate the impacts of the resultant increase in air pollutants on pulmonary (lung) health.

The health risk assessment contained in the DEIR addressed health impacts associated with both cancer risk and chronic (long-term exposures) non-cancer hazards. The chronic non-cancer hazards include reproductive effects, respiratory effects, eye sensitivity, immune effects, kidney effects, blood effects, central nervous system, birth defects, or other adverse environmental effects. Each toxic chemical has a unique chronic toxicological profile. Chemicals may affect the body through different mechanisms and target organs, and cause different chronic health effects. The assessment of chronic non-cancer hazards due to the project were estimated using the methodology recommended by the South Coast Air Quality Management District (SCAQMD). Using this methodology, the maximum chronic non-cancer hazards resulting from the project's emissions of diesel particulate matter (PM) were found to be less than the SCAQMD's significance threshold of 1.0.

Potential acute (short-term exposure) non-cancer hazards was expanded in the revised analysis to examine potential non-cancer hazards associated with both the total organic gas (TOG) emissions from gasoline- and diesel-fueled vehicles. Acute risks are non-cancer adverse health impacts, commonly associated with exposures to high concentrations of toxic air contaminants over short periods of time, as in minutes or hours. Typical symptoms of acute exposure may include headaches; dizziness; nausea; eye, nose, or throat irritation; and/or skin rash. Each toxic chemical has a unique acute toxicological profile. Chemicals may affect the body through different mechanisms and target organs, and cause different acute health effects. To estimate the project's acute non-cancer hazards, detailed estimates were made of the project's TOG emissions for both gasoline and diesel vehicles. The TOG emissions were then broken down into their major chemical components from which an estimate of the acute non-cancer hazards was made at over 2,500 receptor locations surrounding the project. On the basis of this assessment, the maximum acute non-cancer hazard was found to be 0.05, substantially less than the SCAQMD's significance threshold of 1.0.

The discussion of health effects of air pollution contained in the revised analysis has also been expanded to include a summary of the University of Southern California (USC) Children's Health Study, as discussed in Master Response-2: Heath Effects of Diesel Particulate Matter.

Response to Comment G-97-3. The commenter claims the DEIR fails to address the impact of the increase in air pollutants and cardiovascular health.

Both the DEIR and revised assessment contain a comprehensive evaluation of the health impacts from the project. Health effects from diesel pollution, for example, are discussed in Master Response-2: Health Effects of Diesel Particulate Matter (refer to Responses to Comment Letter C-3). Response to Comment G-49-8 discusses methodology and results of an estimation of the additional rate of premature deaths from heart disease, chronic lower respiratory disease, and stroke from the project's diesel PM. The results of this estimation show that there would be no substantial increase in mortality and morbidity as a result of the project.

Letter G-98: Hans and Barbara Wolterbeek (email) (April 17, 2013)

From: hww [<mailto:hww@roadrunner.com>]

Sent: Wednesday, April 17, 2013 10:22 AM

To: Mark Gross

Subject: Request

Dear Mr. Gross:

My wife and I recently had a chance to review the DEIR for the WLC. As a way of introduction, we are both long time residents of Moreno Valley and are now retired. We are both trained physicists and have spent our careers in technical and management areas in various industries. We feel that our background allowed us to make an objective and unbiased review of the document.

The DEIR is a good document, very well organized and written. The traffic analysis was very detailed. We were especially impressed by the fact that the trip generation rate was peer reviewed in Appendix T.

The WLC will have high cube warehouses. Very little data is available for such facilities. They tend to be efficient, require less employees, and may require fewer truck trips per KSF than smaller warehouses. The DEIR makes some very



big conclusions on very small data samples, which are sometimes based on contradictory data, or even erroneous data. For example, the trip generation rate of 1.68 was used in the DEIR (ITE edition 9). However, I agree with the argument in Appendix T that the 2011 NAIOP study makes a good case for the use of the smaller number 0.99 for traffic analysis. The use of the 0.99 number would greatly reduce the estimate of truck trips which would help reduce the estimate for the impact of the WLC on traffic density. However, what number should be used for air quality? It appears to us that no proper engineering estimate can be made at this time, by anyone, for the impact on air quality for high cubes. There is just not enough data available for anyone or any organization to make an evaluation of this parameter.

1

We also reviewed the fiscal and economic analysis in the DEIR. We were unable to duplicate various important parameters in this section of the document including the number of employees for the WLC and the wage information. A detailed review by us appears to indicate that the presented information is wrong. (In scientific and engineering circles, data that cannot be verified is suspect). In other areas, the wrong source data was used in the analysis. In addition, the document assumes 100% occupancy from day one and gives the impression that the city income will be \$5 million dollars by 2022; when in fact this is very unlikely, even in a positive economic cycle.

2

The discussion on construction is a self contradictory. For example, the label in Figure 3.19, seem to indicate that 20 MSF of warehouses will be built by 2017, and another 20 MSF will be built by 2022. The document elsewhere states that an average of 1700 FTEs will be employed to accomplish phases 1 and 2. These two data points give the impression that all 40 MSF will be completed by 2022. However, other sections of the document clearly indicate that the buildings will be customized, i.e. need to have a tenant before they will be built. There appears to be no probable and realistic schedule for building completion and building occupancy.

3

What is actually built, and when, pertains directly to the construction income to the city and fiscal responsibilities that come to the city when those buildings are completed. These statements will cause civic leaders to assume income from the WLC at an earlier date than can be reasonably expected, without having a clear understanding of the timeline for the city's future responsibilities.

4

No realistic cost/benefit analysis can be prepared by anyone at this time.

I believe that our findings in some of these areas are of definite interest to you before you make any recommendations to the city council on general plan modifications. We are not against the project at this time; but we have specific recommendations for you regarding modifications to planned changes to the General Plan.

We would appreciate the chance to meet with you to discuss some of these findings. I have a couple of suggestions that we feel you may be interested in.

Thank you for considering my request.

Sincerely , Hans and Barbara Wolterbeek
hww@roadrunner.com
951-488-1708
11521 Slawson Ave, Moreno Valley, 92557

RESPONSES TO LETTER G-98

Hans and Barbara Wolterbeek

Response to Comment G-98-1. See Response to Comment G-90-7. The commenter repeats the statement from Comment Letter G-90 that the trip generation rate in the (Traffic Impact Analysis (TIA) (the Institute of Transportation Engineers (ITE) trip generation rate of 1.68) will probably result in an over-estimation of traffic impact. The comment also repeats his earlier suggestion that there is insufficient data to analyze air quality impacts.

The trip generation rate used in the TIA study for high-cube warehouses (1.68 vehicular trips per thousand square feet per day (VT/KSF/day)) is purposefully conservative to ensure that there would be no under-estimation of the project traffic impacts.

The air quality analysis relied on the results of the TIA using the ITE trip generation rate of 1.68 VT/KSF/day. In providing a conservative estimate of project-related trips, it also provides a conservative basis for the calculation of air quality impacts. Since the majority of air quality impacts, particularly with regard to operation, is the result of mobile sources, therefore it can be assured that air quality impacts have also not been underestimated.

Mitigation Measure Trans-1, described in Chapter 11 of the TIA, includes successive analyses of traffic conditions as the project builds out. This would include new traffic counts and level of service (LOS) analyses to determine whether the increases in the capacity of the road network was kept pace with the growth in traffic.

Response to Comment G-98-2. See Responses to Comments G-90-0 (Summary), G-90-2, and G-90-3.

Response to Comment G-98-3. See Responses to Comments G-90-0 (Summary) and G-90-2.

Response to Comment G- 98-4. See Responses to Comments G-90-0 (Summary) and G-90-2.

Letter G-99: Loretta and William Kilday (April 19, 2013)

RECEIVED

APR 24 2013

CITY OF MORENO VALLEY
Planning Division

**14760 Big Bear Dr.
Moreno Valley, CA 92555**

April 19, 2013

**Mark Gross
Senior Planner
14177 Frederick St.
Moreno Valley, CA 92553**

**RE: World Logistics Center Project Draft
Environmental Impact Report (SCH #2012021045)**

Dear Mr. Gross:

My husband and I object to the City's approval of the World Logistics Center Specific Plan, General Plan, Amendments and Development Agreement because of the environmental and property value issues. There are three schools in our area where the children would be breathing the toxins from the trucks roaring down the streets.

We also have a lot of seniors in our area. We moved to Moreno Valley because it was a nice quiet place to live. It will not remain so if the warehouses that Mr. Benzeevi wants to build are allowed.

We would like to be placed on the mailing list for future notices regarding this project. (lbkilday@msn.com)

*Spretta & William
Kilday*

RESPONSES TO LETTER G-99

Loretta and William Kilday (April 19, 2013)

Response to Comment G-99-1. None of the comments apply to the Environmental Impact Report (EIR) analysis or conclusions, but are personal observations about the project. The Draft Environmental Impact Report (DEIR) concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Letter G-100: Mary Coil (email) (May 13, 2013)

From: Mary Coil [<mailto:qualityservice@ymail.com>]

Letter G-100

Sent: Monday, May 13, 2013 3:55 PM

To: Mark Gross

Subject: In Favor of World Logistic Center Warehouse Proposal

Our family is in favor of the World Logistic Center Warehouse proposal. We live north of the 60 freeway between Moreno Redlands Boulevard and Moreno Beach Drive. There is no difference in our neighborhood with the arrival of the Skechers Warehouse than before it was built. And Skechers Warehouse is very tastefully situated and eye-catching as you drive along the freeway. In considering the alternatives - homes and or retail centers - the pollution and congestion probably outweigh the WLC proposal. The average person does not take into consideration the amount of cars and trips per day factored in to each proposed new house, or the congestion caused by the Walmart and Target Centers.

We were approached a few years ago by a lady who lives in our area and is against the warehousing at the City's 4th of July celebration. She had a declaration petition against the warehouse development which we declined to sign. She said she wanted to see a "Hospitality Lane" type development. This is not the area for that. I discussed the alternatives - housing and retail centers - along with the amount of trips per car per day for these and she said it gave her something to think about. I think the problem may lie in the fact that these people against the WLC do not like the developer for some reason. We are fairly new to Moreno Valley/Rancho

Belago, moving here 8 years ago from Orange County, but we specifically selected Moreno Valley and we love our area and our home. Our grown children have even moved here and live on the next street over from us.

There is a lot to be considered, but overall we are in favor of the World Logistic Center Warehouse proposal.

Mary Coil

RESPONSES TO LETTER G-100

Mary Coil

Response to Comment G- 100-1. The commenter made various comments about how well the Skechers project was done and her neighbor was fighting against the current project. This does not contain any comments on the World Logistics Center (WLC) project or Environmental Impact Report (EIR), and will not be responded to here. The City Council will consider all comments and responses on the project and EIR before taking action on the WLC project.

Letter G-101: Allan Smiley (May 20, 2013)

RECEIVED

MAY 20 2013

CITY OF MORENO VALLEY
Planning Division

March 27, 2013

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

- Please move all truck traffic off Merwin Street. Relocate Streets D and E as shown on the World Logistics Center Site Plan 500 to 1000 feet east of Merwin Street. Remove all truck traffic from Merwin street. 1
- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3

Sincerely,


(signature)

Property owner:

Name

Allan Smiley

Address

2890 Alvarado Ave
Moreno Valley CA 92555

APN#

RESPONSES TO LETTER G-101

Allan Smiley (May 20, 2013)

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-101-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-101-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-101-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-102: Victoria Suiter (May 8, 2013)

RECEIVED

MAY - 8 2013

CITY OF MORENO VALLEY
Planning Division


March 27, 2013

John Terrell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552Subject: World Logistics Center's Draft EIR (SCH#2012021045) and
Planning Cases PA 12-0011, 0012, 0013, 0014 and 0015

I/we, the undersigned, are homeowners in the City of Moreno Valley at the address listed below. We want to make sure that the World Logistics Center has as little impact on our neighborhood as possible. We ask that you incorporate the following mitigation measures:

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- Please require all security lights to use cutoff luminaires and be located on buildings no higher than 25 feet off the ground. 2
- Please require a 100 foot wide greenbelt area between the residential neighborhoods and the World Logistics Center buildings or streets. 3
-

Sincerely,


(signature)

Property owner:

Name

Victoria A Suiter

Address

28860 Maltby Ave

Moreno Valley CA 92555

APN#

RESPONSES TO LETTER G-102

Victoria Suiter (May 8, 2013)

NOTE: This letter is based on a template provided by C. Moothart in Letter G-9. Reviewers are referred to responses to that letter for more detailed discussion of these comments.

Response to Comment G-102-1. See Response to Comment G-9-9 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-102-2. See Response to Comment G-9-10 of Letter G-9 for a more detailed response to this comment.

Response to Comment G-102-3. See Response to Comment G-9-11 of Letter G-9 for a more detailed response to this comment.

Letter G-103: Robert Hewitt (April 5, 2013)

April 5, 2013

Letter G-103


Mark Gross & John Terrell
City of Moreno Valley
Community and Economic Development Department
14177 Frederick Street
P.O. Box 88005
Moreno Valley, Ca. 92552

Subject: World Logistic Center DEIR

Dear Mr. Gross,

I would like to make the following comments concerning the DEIR for the World Logistic Center.

Agriculture :

The agriculture land that surrounds the San Jacinto Wildlife Area (SJWA) contributes enormously to the success of the SJWA. The loss of thousands of acres of farmland will have a significant negative effect on the SJWA. The DEIR does not adequately address this issue. The DEIR needs to study the effects of the loss of this agriculture land to the wildlife within and surrounding the SJWA. This existing agriculture land provides food and habitat which is different from that found in the SJWA. What effects will the loss of several thousand acres of Ag land have on the wildlife in this area? In  lity, the DEIR has almost no designated open space within the project. It would be good to have a portion of this agriculture land used as an "open space" Ag buffer between the World Logistic Center and the SJWA. These agriculture open space areas should become conservation easements under the oversight of a local entity with authority to accept conservation easements.

1

Open Space:

It is totally unacceptable to designate land outside of the jurisdiction of the developer as open space. The 1000+ acres of the SJWA should in no way be discussed as open space for this development. The DEIR needs to be revised to discuss adequate open space areas within the development itself.

2

Biology:

There are several large, deep drainage channels located within this project. These areas have, over the years, become habitat for many species of plants and animals. The larger drainage channels should be preserved in their existing condition, and a vegetative buffer of 50 feet or more should be placed on each side of the channel to protect this habitat and prevent erosion. These buffer areas should be fenced and planted with native vegetation to attract wildlife and reduce irrigation requirements. Detention basins should be placed near these channels to capture storm runoff and filter the water before it enters these channels. These channel/buffer areas could help this project meet its open space requirements, and serve as a visual screen to the numerous industrial buildings in the project.

3

Ownership:

How can this developer justify such a large project when a considerable amount of the property within the Specific Plan does not belong to the developer, and is not under his control? The DEIR map shows that close to half of the land within the proposed specific plan is not owned by the developer. Changing the zoning on the land not under the developer's control should not be allowed without the permission of all of those property owners. The DEIR needs to explain how it can justify a project without either owning the property or having an option to buy on all of the property within the Specific plan.

4

Sincerely,



Robert S. Hewitt
42913 Johnston Ave.
Hemet, Ca. 92544

RESPONSES TO LETTER G-103

Robert Hewitt

Response to Comment G-103-1. The commenter is concerned about loss of agricultural land/open space and its impact on the San Jacinto Wildlife Area (SJWA). Section 4.4.6.4 of the Draft Environmental Impact Report (DEIR) determined that impacts to raptors and other avian resources of the SJWA would be potentially significant but that payment of the (Western Riverside County) Multiple Species Habitat Conservation Plan (MSHCP) fee and its eventual acquisition of conservation land in western Riverside County would help offset regional loss of raptor foraging habitat (additional information in DEIR Sections 4.4.1.13 and 4.4.1.17). In addition, a new mitigation measure has been added, in response to many similar comments, to acquire offsite farmland for the loss of unique farmland on the World Logistics Center (WLC) property.

Response to Comment G-103-2. The commenter says the 1,000 acres of SJWA property should not be designated open space under the proposed project. The commenter misunderstands the relationship of the state conservation land south of the WLCSP property. The 1,000 acres south of the World Logistics Center Specific Plan (WLCSP) property was purchased from or out of the Moreno Highlands Specific Plan (MHSP) property. The minutes from the Wildlife Conservation Board action at that time specifically says it will act as a buffer from planned urban development (i.e., at that time the rest of the MHSP)(DEIR Section 4.4.1.16). The existing state conservation land is being rezoned as part of the discretionary actions requested by the WLC project because at present those lands are still zoned for a golf course and various residential uses under the MHSP (refer to Response to Comment F-8-3).

Response to Comment G-103-3. Drainage 9 will be preserved and a 25-foot buffer area along each side of the drainage will be enhanced to promote local wildlife travel (see Section 4.4.6.3A of the DEIR). Portions of Drainage 12 will be realigned and enhanced for flood control purposes (See Section 4.4.6.3 of the DEIR and Section 1.3 in this FEIR Volume 1). An updated wetland delineation report (FCS-MBA 2013) was prepared to address concerns regarding regulatory agency jurisdiction over the drainage features within the WLCSP as outlined in the original DEIR in 2013.

All identifiable and potentially jurisdictional drainages on the site were mapped and included in the revised DEIR and the draft wetland delineation. The applicant shall secure a jurisdictional determination with the United States Army Corps of Engineers (USACE) and confirm with the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW) if drainage features mapped on the property are subject to jurisdictional authority and protection. If the features are subject to regulatory protection, the applicant will secure permit approvals with the appropriate agencies if needed prior to initiation of construction as discussed in MMs 4.4.6.3A and 4.4.6.3B.

Jurisdictional features will be avoided and unavoidable impacts will be mitigated through the construction of compensatory wetland. Compensatory wetland mitigation will be provided at an appropriate ratio (no less than 1:1 replacement wetland to impacted wetland) to ensure no net loss of wetlands or aquatic resources. Wetland mitigation will be provided concurrent with or prior to impacts and will be provided on-site, if feasible. Significant impacts to jurisdictional drainage features may also be compensated by off-site mitigation or purchase of habitat in an authorized in-lieu fee program, if necessary. For each individual project as it is designed, a Compensatory Mitigation Plan will be prepared for all unavoidable impacts and will be consistent with the USACE/USEPA's Compensatory Mitigation for Losses of Aquatic Resources; Final Rule and the USACE's Standard Operating Procedure for Determination of Mitigation Ratios as discussed in MM 4.4.6.3A.

Final Programmatic Environmental Impact Report
Volume 1 – Response to Comments
World Logistics Center Project

Response to Comment G-103-4. The commenter points out that the developer does not own all of the property within the WLCSP boundary. Highland Fairview currently owns or controls development rights on 1,754 acres or 67 percent of the total 2,610 acres within the WLCSP. The remainder of the project area property is owned by private individuals or entities such as the San Diego Gas & Electric Company, Southern California Gas Company, Metropolitan Water District, and California Department of Fish and Wildlife. Figure 3.5 in the DEIR depicts the property ownership within the WLC project area (see FEIR Volume 2 Figure 3.5 in Section 3.3.1, Project Description).

State law allows a City to designate areas within their jurisdiction as a Specific Plan if that plan would provide a comprehensive land plan that may be different from but have advantages over the existing zoning on the property. In this case, the existing zoning is the Moreno Highlands Specific Plan which was a mixed residential master planned community. At this time, the economy would not support development of such a large residential project, and over the years the City of Moreno Valley has found it does not have enough land zoned for employment-generating uses (i.e., it is a housing rich but jobs poor area).

Letter G-104: Maureen Clemens (May 29, 2013)

May 29, 2013

Mark Gross
Senior Planner
14177 Frederick Street
Moreno Valley, CA 92553

RECEIVED

JUN - 3 2013

CITY OF MORENO
Planning Division

Re: World Logistics Center Project

Dear Mr. Gross:

Please note that many of us who live in the Inland Empire object to the city's approval of the World Logistics Center Specific Plan, General Plan Amendments and Development Agreement because: The pollution factor alone makes us cringe along with the stress put on our freeways and streets caused by the multitude of trucks that will be drawn into our area should this project go forward. Shame on you if it does.

1

Sincerely,



Maureen Clemens
6012 Abernathy Drive
Riverside, CA 92507

RESPONSES TO LETTER G-104

Maureen Clemens

Response to Comment G-104-1. None of the comments apply to the Environmental Impact Report (EIR) analysis or conclusions, but are personal observations about the project. The Draft Environmental Impact Report (DEIR) concluded that a number of project impacts (e.g., air quality, traffic, etc.) would be significant even after implementation of mitigation, and the City Council would need to adopt a Statement of Overriding Considerations for the project that state what benefits of the project outweigh the identified significant impacts of the project, if it decides to approve the project. It should be noted that the City Council will consider all stated opinions and comments on the project and EIR prior to making any decisions regarding the proposed World Logistics Center (WLC) project.

Letter G-105: Greg Brown (November 25, 2013)

G-105

RECEIVED

NOV 25 2013

CITY OF MORENO VALLEY
Planning Division

Greg Brown
4228 Brentwood Ave
Riverside, CA 92506

November 21, 2013

Mark Gross
Senior Planner
14177 Frederick Street
Moreno Valley CA 92553
planning@moval.org

Re: World Logistics Center Project Draft Environmental Impact
Report
(SCH # 2012021045)

Dear Mr. Gross:

"I object to the City's approval of the proposed World Logistics Center
Specific Plan, General Plan Amendments, Zone Changes and
Development
Agreement because"

severe traffic complications will be the result, along with increased
risk of Cancer from deadly air pollution.

"I wish to be placed on the mailing list for all future notices regarding
this
project. Please mail all notices to me at the address listed above (via
email)
at runnergreg@yahoo.com

Greg Brown



RESPONSES TO LETTER G-105

Greg Brown

Response to Comment G-105-1. The commenter is concerned about traffic, cancer risks, and wants to be notified of future actions. Sections 4.3 and 4.15 of the Draft Environmental Impact Report (DEIR) addressed air quality and traffic, and determined project impacts were significant even with recommended mitigation. The Final Environmental Impact Report (FEIR) includes revised traffic and air studies, and the revised DEIR (FEIR Volume 2) includes revised analyses for all these topics. The reader is referred to those EIR sections and revised studies for additional information on these topics. Public notice will be given regarding future hearings by the Planning Commission and City Council regarding the World Logistics Center (WLC) project and EIR. The commenter will be notified as part of the City's California Environmental Quality Act (CEQA) process regarding action on this project as well.

Item G-106: Oral Comment – Unknown Source

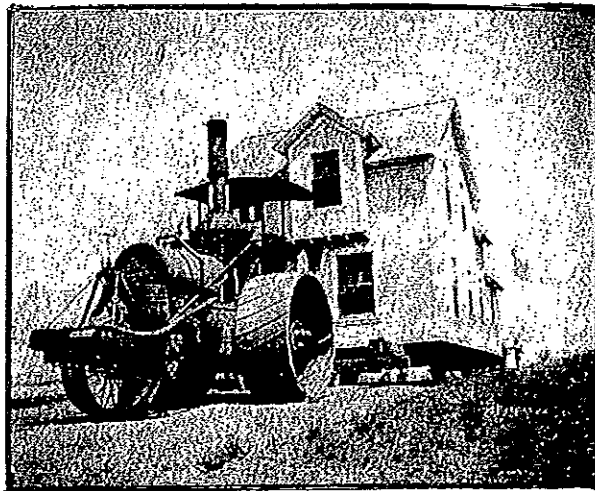
Excerpt from Viola Hamner's "In the Beginning", a history of life in Moreno Valley (Hamner 2003)

G-106

Moreno Valley, California In The Beginning

"The glittering speculations which promised so much and performed so little brought disappointment to so many"

(Moreno Valley Voice, March 16, 1895)



By

VIOLA F. HAMNER

2003

Chapter 14

ORIGINAL STREET NAMES AND THEIR NAMESAKES

In 1890 the Bear Valley and Alessandro Development Company bought 25,000 acres in what is now Moreno Valley and went to work in a "vigorous, systematic and intelligent manner" to develop it into a "magnificent colony."

Working with a blank canvas, so to speak, the company plotted the undisturbed land into ten-acre parcels, carefully laid out the streets and avenues in a grid pattern and then named them in alphabetical order. They recorded their subdivision map in San Bernardino County on November 3, 1890 (SBC Map Bk. 11 p. 10).

On the original subdivision maps of our valley, two wide boulevards were dedicated—Alessandro and Redlands. Both with a width of 120 feet. Alessandro Boulevard, so named because it was the main thoroughfare from the railroad town of Alessandro to the new city of Moreno.

Redlands Boulevard was given that name as it was the main route between Redlands and the town of Moreno. Grading and clearing of vegetation for the two boulevards was the company's first intrusion into our pristine and peaceful valley.

Historic Alessandro Boulevard, our best known byway, has been extended over the years and now stretches seventeen miles from Gilman Springs Road westerly into the City of Riverside. On November 11, 1988, it was designated a City of Moreno Valley landmark (Resolution CPAB 88-2). It has been, over the years, a San Bernardino County road, a Riverside County road, a California State highway, part of the transcontinental U.S. Route 60, part of the old "Jack Rabbit Trail" and lastly, a city boulevard.

Another city resolution, CPAB 89-3 dated December 7, 1989, gave landmark status to the other historic avenue and street names. This was to protect them from change and thus preserve an important part of Moreno Valley history.

The tract was designed with a half mile between streets and a quarter mile between avenues. Residents and travelers, if they knew the system, could easily figure out how far it was from one point to another by knowing the alphabet. They could then calculate how long it would take to get to a destination if walking, riding a horse, traveling by horse and buggy, or peddling a bicycle.

Avenues north of Alessandro Boulevard were given tree names. Those south of Alessandro were given other botanical names.

The avenues were dedicated as eighty feet in width, running east and west, and a quarter of a mile apart. Alessandro Boulevard was used as the "A" street in the alphabetical listing.

Avenues North of Alessandro

Bay
Cottonwood
*Dracaea
Eucalyptus
Fir

Avenues South of Alessandro

Brodiaea
Cactus
Delphinium
*Eschscholtzia
Filaree

RESPONSES TO ITEM G-106 ORAL INFORMATION

Unknown Source

Response to Information G-106. This information was provided subsequent to the circulation of the DEIR. Although not a written comment submitted on the DEIR, this information appropriately describes how in 1988 the Cultural Preservation Advisory Board (CPAB) of the City of Moreno Valley designated the entire length of Alessandro Boulevard as a City Historical Landmark (Resolution CPAB 88-2). At that time, the CPAB made the alignment, right-of-way, and name of Alessandro part of the historical designation. In response to this information, various portions of Section 4.05, Cultural Resources, in Volume 2 of the Final EIR (the Revised Draft EIR) have been revised. Additional background on the historic characteristics of Alessandro Boulevard has been provided in DEIR Section 4.5.3.1, Phase 1 Research. In addition, language has been added to DEIR Section 4.5.6.2, Historic Resources, describing how the revised project design accommodates the historic nature of Alessandro Boulevard. Based on this information, the alignment of Alessandro Boulevard (formerly referred to as Streets C and E) have been realigned to follow the historical alignment of Alessandro (see Figure G-106, and the east-west portion of this roadway will be called Alessandro Boulevard. It should be noted that a short segment of the historical alignment, just east of Merwin Street, will not be connected to Alessandro west of Merwin Street so that WLC project traffic, including trucks and passenger vehicles, will not travel through the existing residential neighborhoods east of Redlands Boulevard along Alessandro Boulevard. The eastern end of Alessandro Boulevard will also intersect Gilman Springs Road at approximately the same location and orientation as its historical alignment. With these project changes, the WLC project will not have a significant impact on the historical landmark designation of Alessandro Boulevard.

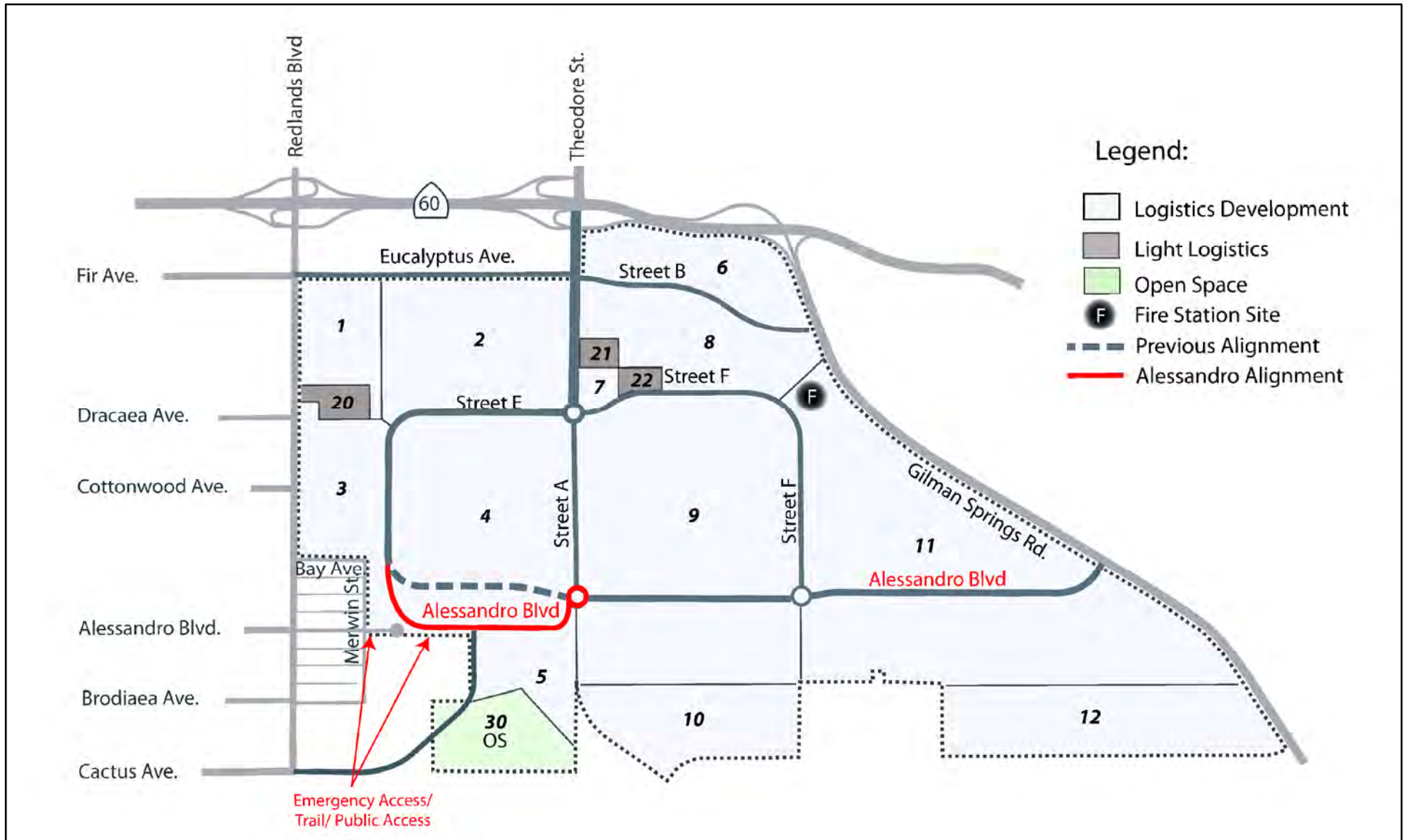
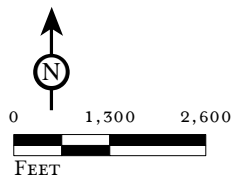


FIGURE G-106

LSA



World Logistics Center Specific Plan Project
Environmental Impact Report

Alessandro Historical Street Alignment

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3.0 MITIGATION MONITORING AND REPORTING PROGRAM

3.1 INTRODUCTION

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for use in implementing mitigation for the:

World Logistics Center

The program has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No. 2012021045) prepared for the project by the City of Moreno Valley.

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment (Public Resource Code Section 21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

- 1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- 2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- 3) The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

This Mitigation Monitoring and Reporting Program includes mitigation identified in the FEIR.

3.2 MITIGATION MONITORING AND RESPONSIBILITIES

As the Lead Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the proposed project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof. If during the course of project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required and/or whether alternative mitigation is appropriate. The following table presents the MMRP.

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3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.1 Aesthetics						
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.	City Planning Division	Once before permitting	Prior to Plot Plan Approval	Plot Plan Review		Withhold Building Permits
		Once before permitting	Prior to issuance of Building permit.	Building Permit		Withhold Plot Plan Approval
		Once before issuance of certificate of occupancy.	Prior to issuance of certificate of occupancy.	On-site inspection		Withhold Certificate of Occupancy
4.1.6.1B Each Plot Plan application for development adjacent to Redlands Boulevard, Bay Avenue, or Merwin Street, shall include a plot plan, landscaping plan, and visual rendering(s) illustrating the appearance of the proposed development. The renderings shall demonstrate that views of proposed buildings and trucks can be reasonably screened from view from existing residents upon maturity of planned landscaping and to ensure consistency with the General Plan Objective 7.7. "Effective" screening shall mean that no more than the upper quarter (25%) of a building is visible from existing residences, which shall be achieved through a combination of landscaping, berms, fencing, etc. The location and number of view presentations shall be at the discretion of the Planning Division.	City Planning Division	Once before permitting	Prior to Plot Plan Approval	Plot Plan Review		Withhold Building Permits
		Once before permitting	Prior to issuance of Building permit.	Building Permit		Withhold Plot Plan Approval
		Once before issuance of certificate of occupancy.	Prior to issuance of certificate of occupancy.	On-site inspection		Withhold Certificate of Occupancy

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
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	City Planning Division	Once before issuance of certificate of occupancy.	Prior to issuance of certificate of occupancy.	On-site inspection		Withhold Certificate of Occupancy
4.1.6.1D Prior to the issuance of permits for any development activity adjacent to Planning Area 30 (74.3 acres in the southwest portion of the Specific Plan), the entirety of Planning Area 30 shall be offered to the State of California for open space purposes. In the event that the State does not accept the dedication, the property shall be offered to Western Riverside County Regional Conservation Authority or an established non-profit land conservancy for open space purposes. In the event that none of these organizations accepts the dedication, the property may be dedicated to a property owners association or may remain in private ownership and may be fenced and access prohibited.	City Planning Division	Once before permitting of any development activity adjacent to Planning Area 30.	Prior to issuance before of any discretionary permit	Review and Approval of Site Plans		Withhold Discretionary Permit
4.1.6.3A Each Plot Plan application for development shall include plans and visual rendering(s) illustrating any changes in views of Mount Russell and/or the Badlands, for travelers along SR-60, as determined necessary by the Planning Official. The plans and renderings shall illustrate typical views based on proposed project plans, with the location and number of view presentations to be determined by the Planning Official. These views shall be simulated from a height of six feet from the edge of the roadway travel lane closest to the visual resource. The renderings must demonstrate that the	City Planning Division	Once before plot plan review.	Prior to issuance of building permit.	Review and Approval of Renderings		Withhold Building Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
development will preserve at least the upper two thirds (67%) of the vertical view of Mt. Russell from SR-60.						
4.1.6.4A Each Plot Plan application for development adjacent to residential development shall include a photometric plot of all proposed exterior lighting demonstrating that the project is consistent with the requirements of Section 9.08.100 of the City Municipal Code. The lighting study shall indicate the expected increase in light levels at the property lines of adjacent residential uses. The study shall demonstrate that the proposed lighting fixtures and/or visual screening meet or exceed City standards regarding light impacts.	City Planning Division	Once before plot plan review for any building adjacent to residential development.	Prior to issuance of any building permit	Review and Approval of Lighting Study		Withhold Building Permit
4.1.6.4B Each Plot Plan application for development shall include an analysis of all proposed solar panels demonstrating that glare from panels will not negatively affect adjacent residential uses or negatively affect motorists along perimeter roadways. Design details to meet these requirements shall be implemented to the satisfaction of the Planning Official.	City Planning Division	Once before plot plan review Once before Building Permit	Prior to issuance of any building permit	Review and Approval of Building Plans for solar panels.		Withhold Building Permit
4.2 Agriculture						
4.2.6.1A Prior to the issuance of any grading permit affecting land designated as "Unique Farmland" (Figure 4.2.2 in the World Logistics Center Environmental Impact Report), 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	City Planning Division	Once before issuance of grading permits on lands that contain unique farmland.	Prior to issuance of any grading permits.	City review of form and content of agricultural easement proposed by the developer. And City receives written verification of an agricultural easement.		Withhold Grading Permit.

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
potential as the best measure of productivity (i.e., net profitability per acre or potential net rental income per acre). It will include a consideration of various important physical factors including location and accessibility, soils and topography, micro and macro climatic conditions, water availability and quality, as well as local practices, good farm management and cultural (growing) costs. The form and content of this easement, as well as the estimates of agricultural productivity, shall be reviewed and approved in advance by the Planning Official.						
4.3 Air Quality						
<p>4.3.6.2A Construction equipment maintenance records (including the emission control tier of the equipment) shall be kept on site during construction and shall be available for inspection by the City of Moreno Valley.</p> <p>a) Off-road diesel-powered construction equipment greater than 50 horsepower shall meet United States Environmental Protection Agency Tier 4 off-road emissions standards. A copy of each unit's certified tier specification shall be available for inspection by the City at the time of mobilization of each applicable unit of equipment.</p> <p>b) During all construction activities, off-road diesel-powered equipment may be in the "on" position not more than 10 hours per day.</p> <p>c) Construction equipment shall be properly maintained according to manufacturer</p>	City Planning Division	As need during construction	During construction	On-site Inspection of construction equipment maintenance records and data sheets.		Issuance of Stop Work Order

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
specifications.						
d) All diesel powered construction equipment, delivery vehicles, and delivery trucks shall be turned off when not in use. On-site idling shall be limited to three minutes in any one hour.						
e) Electrical hook ups to the power grid shall be provided for electric construction tools including saws, drills and compressors, where feasible, to reduce the need for diesel-powered electric generators. Where feasible and available, electric tools shall be used						
f) The project shall demonstrate compliance with South Coast Air Quality Management District Rule 403 concerning fugitive dust and provide appropriate documentation to the City of Moreno Valley.						
g) All construction contractors shall be provided information on the South Coast Air Quality Management District Surplus Off-road Opt-In "SOON" funds which provides funds to accelerate cleanup of off-road diesel vehicles.						
h) Construction on-road haul trucks shall be model year 2007 or newer.						
i) Information on ridesharing programs shall be made available to construction employees.						
j) During construction, lunch options shall be						

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>provided onsite.</p> <p>k) A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints per AQMD Standards.</p> <p>l) Only non-diesel material handling equipment may be used in any logistics building in the WLC.</p> <p>m) Off-site construction shall be limited to the hours between 6 a.m. to 8 p.m. on weekdays only. Construction during City holidays shall not be permitted.</p>						
<p>4.3.6.2B Prior to issuance of any grading permits, a traffic control plan shall be submitted to and approved by the City of Moreno Valley that describes in detail the location of equipment staging areas, stockpiling/storage areas, construction parking areas, safe detours around the project construction site, as well as provide temporary traffic control (e.g., flag person) during construction-related truck hauling activities. Construction trucks shall be rerouted away from sensitive receptor areas. Trucks shall use State Route 60 using Theodore Street, Redlands Boulevard (north of Eucalyptus Avenue), and Gilman Springs Road. In addition to its traffic safety purpose, the traffic control plan can minimize traffic congestion and delays that increase idling emissions. A copy of the approved Traffic Control Plan shall be retained on site in the construction trailer.</p>	Transportation Division	Once prior issuance of any grading permits to issuance of any grading permits.	Prior to issuance of any grading permits.	Review and Approval of Traffic Control Plan.		Withhold Grading Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.3.6.2C The following measures shall be applied during construction of the project to reduce volatile organic compounds (VOC): a) Non-VOC containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the project to the maximum extent practicable. If such products are not commercially available, products with a VOC content of 100 grams per Liter or lower for both interior and exterior surfaces shall be used. b) Leftover paint shall be taken to a designated hazardous waste center. c) Paint containers shall be closed when not in use d) Low VOC cleaning solvents shall be used to clean paint application equipment. e) Paint and solvent-laden rags shall be kept in sealed containers.	City Engineering and Building and Safety and Planning Division	Throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2D No grading shall occur on days with an Air Quality Index forecast greater than 150 for particulates or ozone as forecasted for the project area (Source Receptor Area 24).	Land Development Division/Public Works	As needed during construction	During construction	Review of Construction Documentation and On-site Inspection		Issuance of a Stop Work Order
4.3.6.3A Prior to issuance of occupancy permits for each warehouse building within the WLCSP, the developer shall demonstrate to the City that vehicles can access the building using paved roads and parking lots.	City Planning Division	Once Before Permitting	Prior to issuance of occupancy permits for each warehouse	Review and Approval of building plans.		Withhold Occupancy Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
			building			
<p>4.3.6.3B The following shall be implemented as indicated:</p> <p>Prior to Issuance of a Certificate of Occupancy</p> <p>a) Signs shall be prominently displayed informing truck drivers about the California Air Resources Board diesel idling regulations and the prohibition of parking in residential areas.</p> <p>b) Signs shall be prominently displayed in all dock and delivery areas advising of the following: engines shall be turned off when not in use; trucks shall not idle for more than three consecutive minutes; telephone numbers of the building facilities manager and the California Air Resources Board to report air quality violations.</p> <p>c) Signs shall be installed at each exit driveway providing directional information to the City's truck route. Text on the sign shall read "To Truck Route" with a directional arrow. Truck routes shall be clearly marked per the City Municipal Code.</p>	City Planning Division and Building and Safety	Once before issuance of any certificate of occupancy and ongoing basis.	Prior to issuance of Certificate of Occupancy	On-site Inspections Collection of VIN data will be identified as the primary method of verifying truck compliance for future project-specific approvals.		Withhold Certificate of Occupancy
<p>On an Ongoing Basis</p> <p>d) Tenants shall maintain records on fleet equipment and vehicle engine maintenance to ensure that equipment and vehicles are maintained pursuant to manufacturer's specifications. The records shall be maintained on site and be made available for inspection by the City.</p>	Public Works Inspector	On an ongoing basis	During on-site inspections	On-site Inspections Collection of VIN data will be identified as the primary method of verifying truck compliance for future project-		If a CUP has been issued, revocation of the CUP.

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>e) Tenant's staff in charge of keeping vehicle records shall be trained/certified in diesel technologies, by attending California Air Resources Board approved courses (such as the free, one-day Course #512). Documentation of said training shall be maintained on-site and be available for inspection by the City.</p> <p>f) Tenants shall be encouraged to become a SmartWay Partner.</p> <p>g) Tenants shall be encouraged to utilize SmartWay 1.0 or greater carriers.</p> <p>h) Tenants' fleets shall be in compliance with all current air quality regulations for on-road trucks including but not limited to California Air Resources Board's Heavy-Duty Greenhouse Gas Regulation and Truck and Bus Regulation.</p> <p>i) Information shall be posted in a prominent location available to truck drivers regarding alternative fueling technologies and the availability of such fuels in the immediate area of the World Logistics Center.</p> <p>j) Tenants shall be encouraged to apply for incentive funding (such as the Voucher Incentive Program [VIP], Carl Moyer, etc.) to upgrade their fleet.</p> <p>k) All yard trucks (yard dogs/yard goats/yard jockeys/yard hostlers) shall be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. Any off-road engines in the yard trucks shall have emissions standards equal to</p>				specific approvals		

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>Tier 4 Interim or greater. Any on-road engines in the yard trucks shall have emissions standards that meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.</p> <p>l) All diesel trucks entering logistics sites shall meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025 or be powered by natural gas, electricity, or other diesel alternative. Facility operators shall maintain a log of all trucks entering the facility to document that the truck usage meets these emission standards. This log shall be available for inspection by City staff at any time.</p> <p>m) All standby emergency generators shall be fueled by natural gas, propane, or any non-diesel fuel.</p> <p>n) Truck and vehicle idling shall be limited to three (3) minutes.</p>						
<p>4.3.6.3C Prior to the issuance of building permits for more than 25 million square feet of logistics warehousing within the Specific Plan area, a publically-accessible fueling station shall be operational within the Specific Plan area offering alternative fuels (natural gas, electricity, etc.) for purchase by the motoring public. Any fueling station shall be placed a minimum of 1000 feet from any off-site sensitive receptors or off-site zoned sensitive uses. This facility may be established in connection with the convenience store required in Mitigation Measure 4.3.6.3D.</p>	City Building and Safety	Once before issuance of building permits	Prior to issuance of building permits for more than 25 million total square feet of logistics warehousing within the WLC Specific Plan	Review and Approval of Building Plans		Withhold Building Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.3.6.3D Prior to the issuance of building permits for more than 25 million square feet of logistics warehousing within the Specific Plan area a site shall be operational within the Specific Plan area offering food and convenience items for purchase by the motoring public. This facility may be established in connection with the fueling station required in Mitigation Measure 4.3.6.3C.	City Building and Safety	Before issuance of building permits	Prior to issuance of building permits	Review and Approval of Building Plans		Withhold Building Permit
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).	City Planning Division	Once before plot plan review for any building.	Prior to issuance of any building permit	Review and Approval of Building Plans		Withhold Building Permit
4.3.6.4A The following measures shall be incorporated as conditions to any Plot Plan approval within the Specific Plan: a) All tenants shall be required to participate in Riverside County's Rideshare Program. b) Storage lockers shall be provided in each building for a minimum of three percent of the full-time equivalent employees based on a ratio of 0.50 employees per 1,000 square feet of building area. Lockers shall be located in proximity to required bicycle storage facilities.	City Building and Safety, City Planning Division, and Transportation Engineering Division/Public Works	Once before plot plan review for any building.	Prior to issuance of building permits	Review and Approval of Building Plans		Withhold Building Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>c) Class II bike lanes shall be incorporated into the design for all project streets.</p> <p>d) The project shall incorporate pedestrian pathways between on-site uses.</p> <p>e) Site design and building placement shall provide pedestrian connections between internal and external facilities.</p> <p>f) The project shall provide pedestrian connections to residential uses within 0.25 mile from the project site.</p> <p>g) A minimum of two electric vehicle-charging stations for automobiles or light-duty trucks shall be provided at each building. In addition, parking facilities with 100 parking spaces or more shall be designed and constructed so that at least three percent of the total parking spaces are capable of supporting future electric vehicle supply equipment (EVSE) charging locations. Only sufficient sizing of conduit and service capacity to install Level 2 Electric Vehicle Supply Equipment (EVSE) or greater are required to be installed at the time of construction.</p> <p>h) Each building shall provide indoor and/or outdoor - bicycle storage space consistent with the City Municipal Code and the California Green Building Standards Code.-Each building shall provide a minimum of two shower and changing facilities for employees.</p> <p>i) Each building shall provide preferred and designated parking for any combination of low-</p>						

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>emitting, fuel-efficient, and carpool/vanpool vehicles equivalent to the number identified in California Green Building Standards Code Section 5.106.5.2 or the Moreno Valley Municipal Code whichever requires the higher number of carpool/vanpool stalls.</p> <p>j) The following information shall be provided to tenants: onsite electric vehicle charging locations and instructions, bicycle parking, shower facilities, transit availability and the schedules, telecommunicating benefits, alternative work schedule benefits, and energy efficiency.</p>						
4.4 Biological Resources						
<p>4.4.6.1A All Plot Plan applications within Planning Areas 10 and 12 (i.e. adjacent to the San Jacinto Wildlife Area as shown in Final EIR Volume 2 Figure 4.1.6B) shall provide a 250-foot setback from the southerly property line. Permitted uses within this setback area include landscaping, drainage and water quality facilities, fences and walls, utilities and utility structures, maintenance access drives, and similar related uses. No logistics buildings or truck access/parking/maneuvering facilities are permitted in this setback area.</p>	City Planning Division	Once before issuance of building permits and as needed during construction and operating	Prior to issuance of building permits	Planned Check and Review of Buffer Area		Withhold Building Permits
<p>In addition, logistics buildings within Planning Areas 10 and 12 may not be located within 400 feet of the southerly property line. All development proposals in Planning Areas 10 and 12 shall include a minimum six-foot tall chain link fence or similar barrier to separate warehouse activity from the setback area. This fence/barrier shall have metal mesh installed below and above ground level to prevent animals from moving</p>	City Planning Division	Once before issuance of building permits and as needed during construction and operating	Prior to issuance of building permits	On-site inspection of 250-foot minimum setback		Withhold Building Permits

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
between the development area and the setback area. Within Planning Areas 10 and 12, all truck activity areas adjacent to the 250-foot buffer area along the southern property line shall be enclosed by minimum 11-foot tall solid walls to reduce noise and lighting impacts on the adjacent property. This measure shall be implemented to the satisfaction of the Planning Official.	City Land Development Division Manager	Once before issuance of building permits and as needed during construction and operating	Prior to issuance of building permits	On-site inspection of 250-foot minimum setback		Withhold Building Permits
A preliminary landscape plan for the 250-foot setback area shall be submitted with all Plot Plan applications for lots adjacent to the California Department of Fish and Wildlife property. Precise landscape plans shall be submitted with any grading permit for said lots and must be approved prior to the issuance of any building permit on said lots. The landscape plan shall be prepared by a licensed landscape architect in consultation with a qualified biologist and shall be consistent with the design standards contained in the World Logistics Center Specific Plan. No plant species listed in Section 6.1.4 of the Western Riverside County Multiple Species Habitat Conservation Plan shall be installed within the setback area. Cottonwood trees shall be planted within the setback area consistent with the World Logistics Center Specific Plan. This measure shall be implemented to the satisfaction of the Land Development Division Manager.	City Land Development Division Manager	Once before issuance of building permits and as needed during construction and operating	Prior to issuance of building permits	On-site inspection of 250-foot minimum setback		Withhold Building Permits
4.4.6.1B Each Plot Plan application in Planning Areas 10 and 12 shall provide runoff management and water quality facilities	City Engineering Division and City Land Development	Once upon submittal of plot plan	Prior to approval of Plot Plan	Review and Approval of plot plans within		Withhold Approval of Plot Plan

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
adequate to minimize downstream erosion, maintain water quality standards and retain pre-development flows in a manner meeting the approval of the City Engineer. All drainage improvements shall be designed to minimize runoff and erosional impacts on adjacent property. This measure shall be implemented to the satisfaction of the Land Development Division Manager of Public Works.	Division Manager	application		Planning Areas 10 and 12		
4.4.6.2A Each Plot Plan application shall include a focused plant survey of the proposed development site prepared by a qualified biologist to identify if any of the following sensitive plants (i.e., Coulter's goldfields, smooth tarplant, Plummer's mariposa lily, or thread-leaved brodiaea) are present. If any of the listed plants are found, they may be relocated to the 250-foot setback area outlined in the Specific Plan and discussed in Mitigation Measure 4.4.6.1A. Alternatively, at the applicant's discretion, an impact fee may be paid to the Western Riverside County Regional Conservation Authority (RCA) or other appropriate conservation organizations to offset for the loss of these species. This measure shall be implemented to the satisfaction of the Planning Official.	City Planning Division	Once upon submittal of plot plan application	Prior to approval of Plot Plan	Review and Approval of biological assessment		Withhold Approval of Plot Plan
4.4.6.2B Prior to the approval of any tentative maps for development including or adjacent to any Criteria Cells identified in the Western Riverside County Multiple Species Habitat Conservation Plan, the applicant shall prepare and process a Joint Project Review (JPR) with the Riverside County Resource Conservation Agency (RCA). All criteria cells shall be identified on all such tentative maps. This measure shall be	City Planning Division	Once upon submittal of tentative maps	Prior to approval of any tentative maps	Review and Approval of biological assessment		Withhold Approval of Tentative Maps

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
implemented to the satisfaction of the City Planning Division and Riverside County Resource Conservation Agency ("RCA").						
4.4.6.3A Prior to the issuance of grading permits the applicant shall secure a jurisdictional determination from the United States Army Corps of Engineers (USACE) and confirm with the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW) if drainage features mapped on the property to be developed are subject to jurisdictional authority. If the features are subject to regulatory protection, the applicant will secure permit approvals with the appropriate agencies prior to initiation of construction. Compensatory riparian habitat mitigation will be provided at a minimum ratio of 1:1 (replacement riparian habitat to impacted riparian habitat) to ensure no net loss of riparian habitat or aquatic resources. It should be noted that this is a minimum recommended ratio but the actual permitting ratio may be higher. 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. A Compensatory Mitigation Plan will be prepared for all unavoidable impacts and will be consistent with the United States Army Corps of Engineers (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.	City Planning Division and Land Development Division Manager	Once prior to issuance of grading permits	Prior to the issuance of grading permits	Written verification of USACE approval of jurisdictional determination and Clean Water Act Section 404 permit.		Withhold Grading Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>The applicant shall consult with United States Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board to establish the need for permits based on the results of a recent jurisdictional delineation and final design plans for each of the proposed the facilities. Consultation with the three agencies shall take place and appropriate permits obtained for project-level development. Compensation for losses associated with the altering of drainages on site shall be in agreement with the permit conditions and in coordination with compensation outlined below.</p> <p>Mitigation will consist of onsite creation, offsite creation, or purchase of mitigation credits from an approved mitigation bank. As outlined in the WLC programmatic DBESP report, onsite riparian habitat will be created at a minimum 1:1 ratio due to the poor quality of onsite habitat. New habitat will be created within the onsite detention/infiltration basins to the extent allowed by the resource agencies to reduce storm flows, improve water quality, and reduce sediment transport. Habitat creation will include the installation of mule fat scrub or similar riparian scrub habitat to promote higher quality riparian habitat, but still maintain the basins for their primary role as detention facilities. The use of these areas as conservation areas would require consent from CDFW and the City of Moreno Valley (MM BIO-2b and MM DBESP 1 through 3).</p>						
4.4.6.3B As required by the Resource Conservation Agency (RCA), a program-level Determination of a Biological Equivalent or	City Planning Division	Once upon submittal of plot plan	Prior to the approval of any Plot Plans	Review and Approval of site specific DBESP and		Withhold Approval Plot Plans

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>Superior Preservation (DBESP) for impacts to Riverine/Riparian habitat has been prepared and shall be approved by the Resource Conservation Agency prior to project approval. The Determination of a Biologically Equivalent or Superior Preservation includes a general discussion of mitigation options for impacts to riverine/riparian areas as well as general location and size of the mitigation area and includes a monitoring program.</p> <p>If impacts to riparian habitat within the World Logistics Center Specific Plan (WLCSP) cannot be avoided at the time of specific development, then a separate project-level Determination of Biologically Equivalent or Superior Preservation (DBESP) shall be prepared to identify project-specific impacts to riparian habitat and incorporate mitigation options identified in Mitigation Measure 4.4.6.3A.</p> <p>A project-level Determination of a Biological Equivalent or Superior Preservation for each specific development shall be prepared to document measures to reduce impacts to riparian/riverine habitats in accordance with the Western Riverside County Multiple species Habitat Conservation Plan (MSHCP). The project-level Determination of a Biological Equivalent or Superior Preservation shall include specific measures to reduce impacts to riparian areas and provide mitigation in the form of onsite preservation of riparian areas and/or a combination of compensation through purchase and placement of lands with riparian/riverine habitat into permanent conservation through a conservation easement and/or restoration or</p>		application		review and approval of plot plans.		

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
enhancement efforts at offsite or onsite locations. Therefore, mitigation required for compensation for impacts to riparian/ riverine areas will require a minimum of 1:1 mitigation ratio of riparian/riverine mitigation land. As outlined in the WLC programmatic DBESP, erosion control improvements will be installed within Drainage 9 to reduce sediment transport, and additional riparian habitat will be enhanced within this drainage following the installation of the erosion control improvements (MM DBESP 4 and 5).						
4.4.6.3C Prior to issuance of any grading permit for any offsite improvements that support development within the World Logistics Center Specific Plan, the developer shall retain a qualified biologist to prepare a jurisdictional delineation (JD) for any drainage channels affected by construction of the offsite improvements. This jurisdictional delineation shall be submitted to the U.S. Army Corps of Engineers (USACE) and California Department of Fish and Wildlife (CDFW) for review and concurrence. If the offsite improvements will not affect any identified jurisdictional areas, no United States Army Corps of Engineers permitting is required. However, permitting through the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (i.e., Streambed Alteration Agreement) may still be required for these improvements. The applicant shall consult with United States Army Corps of Engineers, California Department of Fish and Wildlife and Regional Water Quality Control Board to establish the need for permits based on the	City Planning Division	Once before issuance of grading permit	Prior to issuance of grading permit	Review and Approval of jurisdictional delineation		Withhold Grading Permit
	City Planning Division	Once before issuance of grading permit	Prior to issuance of grading permit	Written verification of USACE approval of jurisdictional determination and Clean Water Act Section 404 permit.		Withhold Grading Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
results of the 2012 jurisdictional delineation and final design plans for each of the proposed the facilities. Consultation with the three agencies shall take place and appropriate permits obtained. Compensation for losses associated with any altered offsite drainages shall be in agreement with the permit conditions. Any landscaping associated with these offsite improvements shall use only native species to help protect biological resources residing within or traveling through these drainages per Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Table 6.1.2. This measure shall be implemented to the satisfaction of the City Planning Division in consultation with the U.S. Fish and Wildlife Service, U.S. Army Corps. of Engineers, and the California Department of Fish and Wildlife.						
4.4.6.4A Pursuant to the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (CFGCA), site preparation activities (removal of trees and vegetation) shall be avoided during the nesting season of potentially occurring native and migratory bird species (generally February 1 to August 31). If site preparation activities must occur during the nesting season, a pre-activity field survey shall be conducted by a qualified biologist prior to issuance of grading permits for such development. The survey shall determine if active nests of species protected by the Migratory Bird Treaty Act or California Fish and Game Code are present in the construction zone. If active nests of these species are found, the developer shall establish an appropriate buffer zone with no grading or heavy equipment activity within of 500 feet from an active listed species or raptor nest, 300 feet from other sensitive or	City Planning Division	Once before issuance of grading permit	Prior to issuance of grading permit	If grading activities will take place within nesting season provide written evidence a qualified biologist has been retained by the applicant to conduct an onsite nesting survey prior to grading.		Withhold Grading Permit
	City Planning Division	Onsite inspection	Prior to issuance of grading permit	If nesting birds are present biologist will establish a		Issuance of a Stop Work Order

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
protected bird nests (non-listed), 250 feet from passerine birds, or 100 feet for sensitive or protected songbird nests. All construction activity within the vicinity of active nests must be conducted in the presence of a qualified biological monitor. Construction activity may encroach into the buffer area at the discretion of the biological monitor in consultation with CDFW. In the event no special status avian species are identified within the limits of disturbance, no further mitigation is required. In the event such species are identified within the limits of ground disturbance, mitigation measure 4.4.6.4B shall also apply. This measure shall be implemented to the satisfaction of the City Planning Division.				construction buffer zone of a minimum from an active listed species or raptor nest, 300 feet from other sensitive or protected bird nests (non-listed), or 100 feet for sensitive or protected songbird nests		
4.4.6.4B 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.	City Planning Division	Once Before Construction and onsite inspection	Prior to disturbance of site	On-site inspection		Issuance of a Stop Work Order
4.4.6.4C The loss of foraging habitat for golden eagle and white-tailed kite will be mitigated by payment of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) fee and the creation of a landscaped buffer area adjacent to the San Jacinto Wildlife Area property (SJWA). First, the payment of the Western Riverside County Multiple species Habitat Conservation Plan fee will be required on a project-by-project basis. Second, a 250-foot setback as described in Mitigation Measure	City Planning Division	Once before issuance of grading permits	Prior to disturbance of site	Written verification of payment of MSHCP fees		Withdraw Grading Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.4.6.1A will be established within the World Logistics Center Specific Plan area. This area will reduce impacts to raptor species foraging in the adjacent San Jacinto Wildlife Area open space areas.						
<p>4.4.6. 4D A pre-construction clearance survey for burrowing owl shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities within the project area. In the event no burrowing owls are observed within the limits of ground disturbance, no further mitigation is required.</p> <p>If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the disturbance area during the 30-day pre-construction survey, construction activity shall maintain a 500 foot buffer area around any active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. If this avoidance buffer cannot be maintained, consultation with the California Department of Fish and Wildlife (CDFW) shall take place and an appropriate avoidance distance established. No disturbance to active burrows shall occur without appropriate permitting through the Migratory Bird Treaty Act and/or California Department of Fish and Wildlife.</p> <p>If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation with the</p>	<p>City Planning Division</p> <p>City Planning Division</p> <p>City Planning Division</p>	<p>Once 30-days prior to construction/grading</p> <p>Once 30-days prior to construction/grading</p> <p>Onsite inspection once 30-days prior to construction/grading</p>	<p>Prior to issuance of any grading permits</p> <p>Prior to issuance of any grading permits and during construction</p> <p>Prior to issuance of any grading permits and during construction</p>	<p>Review of pre-construction survey for burrowing owls.</p> <p>If construction takes place between Feb 1- Aug 31 and nesting burrowing owl is present, a 500 ft. construction buffer shall be maintained from the nest until all juveniles have fledged.</p> <p>If construction takes place between Sept 1- Jan 31 and burrowing owl outside the nesting season is present, a</p>		<p>Withhold Grading Permits</p> <p>Issuance of a Stop Work Order</p> <p>Issuance of a Stop Work Order</p>

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>California Department of Fish and Wildlife. A relocation plan may be required by California Department of Fish and Wildlife if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provides options for avoidance and mitigation. Artificial burrows -may be constructed within the buffer area south of the World Logistics Center Specific Plan. Construction activity may occur within 500 feet of the burrows at the discretion of the biological monitor in consultation with CDFW.</p> <p>A relocation plan may be required by California Department of Fish and Wildlife if active or passive relocation is necessary. Artificial burrows may be constructed within appropriate burrowing owl habitat within the proposed open space/conservation area (Planning Area 30), a 74.3-acre area in the southwest portion of the Specific Plan. This area abuts the Lake Perris State Recreation Area (LPSRA) which is already in conservation. 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. Construction activity may occur within 500 feet of the burrows at the discretion of the biological monitor.</p>	City Planning Division	Onsite inspection once 30-days prior to construction/grading	Prior to issuance of any grading permits and during construction	<p>passive relocation plan shall be prepared by a qualified biologist and approved by the City.</p> <p>Written verification a relocation plan has been approved by the California Department of Fish and Wildlife</p>		Issuance of a Stop Work Order
4.4.6.4E Prior to the approval of any Plot Plans proposing the development of land including or adjacent to Drainage 9, a protocol survey for the Los Angeles Pocket Mouse (LAPM), including 100 feet upstream and downstream of the affected reach shall be prepared by a qualified biologist and submitted to the City. If the affected drainage is not occupied, the area is considered not to be occupied and development can continue without further action. If the species is	City Planning Division	Once prior to plot plan approval for development of land including or adjacent to Drainage 9	Prior to plot plan approval	Submittal of a LAPM protocol survey report to the City.		Withhold Approval Plot Plans

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
found within the specific survey area, no development shall occur until an appropriate mitigation fee is paid or appropriate amount of land set aside on the project site or off site to compensate for any loss of occupied Los Angeles Pocket Mouse habitat. Alternatively, individuals may be relocated to the 250-foot setback zone along the southern boundary of the property identified in Mitigation Measure 4.4.6.1A, or other appropriate areas as determined by the United States Fish and Wildlife Service. If necessary, this measure shall also be coordinated with Mitigation Measure 4.4.6.2B regarding preparation and processing of a Determination of a Biological Equivalent or Superior Preservation report. This measure shall be implemented to the satisfaction of the City Planning Division.						
<p>4.4.6.4F Prior to approval of any discretionary permits for development within Planning Areas 10 and 12, a Biological Resource Management Plan (BRMP) shall be prepared to prescribe how the 250-foot setback area outlined in Mitigation Measure 4.4.6.1A will be developed and maintained This plan will identify frequent and infrequent vegetation management requirements (i.e., removal of invasive plants) and the planting and maintaining trees to provide roosting and nesting opportunities for raptors and other birds. The Biological Resource Management Plan will also describe how relocation of listed or sensitive species will occur from other locations as outlined in Mitigation Measures 4.4.6.2A, 4.4.6.4D, and 4.4.6.4E.</p> <p>The Biological Resource Management Plan shall be reviewed and approved by the Planning</p>	City Planning Official	Once before approval of any discretionary permits within Planning Areas 10 & 12 Onsite inspection	Prior to approval of any discretionary permits within Planning Areas 10 & 12	Review and approval of a BRMP		Withhold Discretionary Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Official in consultation with the San Jacinto Wildlife Area Manager. The Biological Resource Management Plan shall cover all the land within the 250-foot setback zone within Planning Areas 10 and 12 Implementation of the plan shall be supervised by a qualified biologist, to the satisfaction of the City Planning Division.						
<p>4.4.6.4G Mitigation Measure 4.4.6.1A specifies that a landscape plan shall be submitted with any development proposal for lots adjacent to the California Department of Fish and Wildlife (CDFW) San Jacinto Wildlife Area (SJWA) property prior to issuance of a precise grading permit. The landscape plan shall be prepared by a licensed landscape architect in consultation with a qualified biologist and shall be consistent with the design standards contained in the Specific Plan. No plant species listed in Section 6.1.4 or Table 6.2 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) shall be installed within the setback area. In conjunction with development adjacent to the San Jacinto Wildlife Area (SJWA), cottonwood trees shall be planted within the 250-foot setback area, consistent with the World Logistics Center Specific Plan plant palette (per DBESP MM 8).</p> <p>During construction, the runoff leaving construction areas will be directed to onsite detention basins and away from downstream drainage features located offsite. All projects within the WLCSP will be required to prepare a Storm Water Pollution Prevention Plan (as outlined in MM 4.9.6.2B). Regarding the 250-foot setback area, pedestrian and vehicular access to areas of riparian/riverine habitat will be prohibited</p>	City Planning Division and Land Development Division Manager	Once before to issuance of a precise grading permit	Prior to issuance of a precise grading permit	Review and approval of landscape plan		Withhold Grading Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
except for controlled maintenance access. Finally, no grading shall be permitted within conserved riparian/riverine habitat areas except for grading necessary to established or enhance habitat areas (DBESP MM 6, 7, 9, and 10).						
4.4.6.4H As outlined in Mitigation Measure 4.4.6.1A, development adjacent to the 250-foot open space setback shall have a six-foot chain link fence or similar barrier to help separate human activity and the buffer area. Any chain link fencing installed on any properties adjacent to the 250-foot buffer area shall have metal mesh installed below and above ground level to prevent animals from accessing new development areas.	City Planning Division	Once before building permits	Prior to issuance of certificate of occupancy	Review and approval of fencing plan		Withhold Certificate of Occupancy
4.4.6.4I The individual property owner and/or Property Owners Association (POA) as appropriate shall 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 provide for fuel management and vector control pursuant to standards maintained by the City Fire Marshall and County Department of Environmental Health- Vector Control Group. This measure requires the individual owner or Property Owners Association (POA) to manage vegetation in and around these areas or improvements so as to not represent a fire hazard as defined by the City Fire Department through the substantial buildup of combustible materials. This measure also requires the individual owner or Property Owners Association to manage vegetation and standing water in drainage channels and basins such that they do not encourage or allow vectors to occur (primarily	City Fire Department Land Development Division and Stormwater Management Section of Public Works	As needed basis	Onsite Inspections during operations	Onsite Inspections		Issuance of Code Enforcement Citations

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
rats and mosquitoes). Runoff shall not be allowed to stand in channels or basins for more than 72 hours without treatment or maintenance to prevent establishment of mosquitoes per published County vector control guidelines and "Best Management Practices for Mosquito Control on California State Properties" which is available from the California West Nile Virus website at http://www.westnile.ca.gov/resources . This measure shall be implemented by the Property Owners Association in consultation with the City Fire Department and Riverside County Department of Environmental Health – Vector Control Group.						
<p>4.4.6.4J A Fuel Management Plan shall be prepared on a project-by-project basis for those Planning Areas adjacent to the south and east boundary of the World Logistics Center Specific Plan adjacent to Western Riverside County Multiple Species Habitat Conservation Plan Conservation Areas. The Fuel Management Plan shall be prepared by the project proponent and submitted for approval to the prior to plot plan approval for those projects on the southern and eastern Western Riverside County Multiple Species Habitat Conservation Plan boundary. Per the Western Riverside County Multiple Species Habitat Conservation Plan guidelines, the Fuel Management Plan shall include the following:</p> <ul style="list-style-type: none"> • A plant palette of adequate plant species that may be planted within the Fuel Management Area, which will be approved by a biologist familiar with the plant requirements of the area. • A list of non-native invasive plants that are 	City Planning Division	Prior to Issuance of Building Permit	Prior to Issuance of Building Permit	Review and Approval of Building Permit and Onsite Inspection		Withhold Building Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
prohibited from installation. <ul style="list-style-type: none"> Maintenance activities and a maintenance schedule. Fuel modification zones shall be mapped and include an impact assessment as required under California Environmental Quality Act guidelines for a project-level analysis. The plan shall demonstrate that the adjacent Western Riverside County Multiple Species Habitat Conservation Plan Areas are adequately protected from expected fire risks.						
4.4.6.4K Prior to approval of any plot plans for development adjacent to the SJWA, the applicant shall demonstrate that direct light rays have been contained within the development area, per requirements of the MSHCP Section 6.0 which states, "Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting." This measure shall be implemented to the satisfaction of the City Planning Division.	City Planning Division	Prior to Issuance of Building Permit	Prior to Issuance of Building Permit	Review and Approval of Building Permit and Onsite Inspection		Withhold Building Permit
4.5 Cultural Resources						
4.5.6.1A Prior to the approval of any grading permit for any of the "Light Logistics" parcels, the parcels shall be evaluated for significance by a qualified archaeologist. A Phase 1 Cultural Resources Assessment shall be conducted by the project archaeologist and an appropriate tribal representative(s) on each of the "Light Logistics" parcel to determine if significant archaeological or historical resources are present. A Phase 2 significance evaluation shall be	Planning Division And Land Development Division/Public Works	Once Before Permitting	Prior to the approval of any grading or discretionary permit for any of the "Light Logistics"	Review and Approval of Phase I Cultural Resources Assessment		Withhold Grading or Discretionary Permits

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
completed for any of these sites in order to determine if they contain significant archaeological or historical resources. Cultural resources include but are not limited to stone artifacts, bone, wood, shell, or features, including hearths, structural remains, or historic dumpsites. All resources determined to be prehistoric or historic shall be documented using DPR523 forms for archival research/storage in the Eastern Information Center (EIC). If the particular resource is determined to be not significant, no further documentation is required. If prehistoric resources are determined to be significant, they shall be considered for relocation or archival documentation. If any resource is determined to be significant, a Phase 3 recovery study shall be conducted to recover remaining significant cultural artifacts. If prehistoric archaeological/cultural resources are discovered during the Phase 1 survey and it is determined that they cannot be avoided through site design, they shall be subject to a Phase 2 testing program. The project archaeologist in consultation with appropriate tribal group(s) shall determine the significance of the resource(s) and determine the most appropriate disposition of the resource(s) in accordance with applicable laws, regulations and professional practices (per Cultural Report MM CR-1, MM CR-2, MM CR-7 Table 3, pg.74).						
4.5.6.1B Prior to the issuance of any grading or ground-disturbing permit for construction of off-site improvements a qualified archaeologist shall be retained to prepare a Phase I cultural resource assessment (CRA) of the project site if an up to date Phase I cultural resource assessment is not available for the site at the	City Planning Division	Once before issuance of grading permits for off-site improvements and As	Prior to the approval of any grading or ground-disturbing permit	Review and Approval of Phase I Cultural Resources Assessment		Withhold Grading Permit or Issuance of Stop Work Order

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>time of development per Cultural Report MM CR-5, Table 3, pg.74).</p> <p>Appropriate tribal representatives as identified by the City shall be invited by the Project Archeologist to participate in this assessment. If archaeological resources are discovered during construction activities, no further excavation or disturbance of the area where the resources were found shall occur until a qualified archaeologist evaluates the find. If the find is determined to be a unique archaeological resource, appropriate action shall be taken to (a) plan construction to avoid the archeological sites (the preferred alternative); (b) cap or cover archeological sites with a layer of soil before building on the affected project location; or (c) excavate the site to adequately recover the scientifically consequential information from and about the resource. At the discretion of the project archaeologist, work may continue on other parts of the project site while the unique archaeological resource mitigation takes place. This measure shall be implemented to the satisfaction of the Planning Official.</p> <p>If the project archaeologist, in consultation with the monitoring Tribe(s), determines that the find is a unique archaeological resource, the resource site shall be evaluated and recorded in accordance with requirements of the State Office of Historic Preservation (OHP). If the resource is determined to be significant, data shall be collected by the qualified archaeologist and the findings of the report shall be submitted to the City. If the find is determined to be not significant no mitigation is necessary.</p>		Needed During Construction				

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>Should a future project-level analysis show that cultural resource site CA-RIV-3346 will be directly or partially impacted by project-level construction, an Addendum cultural resource report must be prepared and include an analysis of the alternatives associated with mitigation for impacts to this resource following CEQA Guidelines Section 15126.4(b)(3). This information must be included in any project-level CEQA compliance documentation. It should be noted that Phase 3 data recovery is an acceptable mitigation action under CEQA Guidelines Section 15126.4(b)(3)(C) (per Cultural Report MM CR-3, Table 3, pg.74).</p> <p>Should it be determined through a future project-level EIR analysis that prehistoric cultural resource sites CA-RIV-2993 and/or CA-RIV-3347 shall be directly impacted by future construction, these sites must be Phase 2 tested for significance (per Cultural Report MM CR-4, Table 3, pg.74).</p>						
<p>4.5.6.1C Prior to the issuance of any grading permits a qualified archaeologist shall be retained to monitor all grading and shall invite tribal groups to participate in the monitoring. Project-related archaeological monitoring shall include the following requirements per Cultural Report MM CR-6, MM CR-8, Table 3, pg.74):</p> <p>1. All earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative. Once all areas of the development project that have been cut to 10 feet below existing grade have been inspected by</p>	The City Planning Division	Once before issuance of grading permits and As Needed During Construction	Prior to any issuance of grading permits	Provide evidence to the City that a qualified archaeological monitor has been retained to oversee all ground altering activities		Withhold Grading Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>the monitor, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected;</p> <p>2. If buried cultural resources are detected, monitoring shall continue until 100 percent of virgin earth within the specific project area has been disturbed and inspected by the Project Archaeologist or his/her designated representative.</p> <p>3. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. A buffer of at a minimum 25 feet around the cultural item shall be established to allow for assessment of the resource. Grading may continue in other areas of the site while the particular find are investigated; and</p> <p>4. If prehistoric cultural resources are uncovered during grading, they shall be Phase 2 tested by the Project Archaeologist, and evaluated for significance in accordance with §15064.5(f) of the CEQA Guidelines. Appropriate actions for significant resources as determined by the Phase 2 testing include but are not limited to avoidance or capping, incorporation of the site in green space, parks, or delineation into open space. If such measures are not feasible, Phase 3 data recovery of the significant resource will be required, and curation of recovered artifacts and/or reburial, shall be required. A report associated with Phase 2 testing or Phase 3 data recovery must be delivered to the City and, if</p>						

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
necessary, the museum where any recovered artifacts have been curated.						
5. No further grading shall occur in the area of the discovery until the City approves specific actions to protect identified resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the City where they would be afforded long-term preservation to allow future scientific study.						
6. The developer shall make reasonable efforts to avoid, minimize, or mitigate significant adverse impacts on cultural resources. The State Historic Preservation Office (SHPO) and local Native American tribes will be consulted and the Advisory Council on Historic Preservation will be notified within 48 hours of the find in compliance with 36 CFR 800.13(b)(3). This measure shall be implemented to the satisfaction of the Planning Official.						
4.5.6.1D Prior to the issuance of any grading permit the project archaeologist shall invite interested Tribal Group(s) representatives to monitor grading activities. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor grading as long as they provide 48-hour notice to the developer of their desire to monitor, so the developer can make appropriate safety arrangements on the site. This measure shall be implemented to the satisfaction of the Planning Official.	City Planning Division	Once before issuance of grading permits and As Needed During Construction	Prior to the issuance of any grading permit within 3,750 feet of the southwest corner	Evidence of invitation to Tribal Group Representatives		Withhold Grading Permit
4.5.6.1E It is possible that ground-disturbing activities during construction may uncover	Grading Contractor, Land Development	As Needed During	During grading and/or ground	Verification to the City a qualified		Issuance a Stop Work

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>previously unknown, buried cultural resources (archaeological or historical). In the event that buried cultural resources are discovered during grading and no Project Archaeologist or Historian is present, grading operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be retained to determine the most appropriate course of action regarding the resource. The Archeologist shall make recommendations to the City on the actions that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with §15064.5 of the <i>CEQA Guidelines</i>. Cultural resources could consist of, but are not limited to, stone artifacts, bone, wood, shell, or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of CEQA criteria. If the resources are determined to be unique historic resources as defined under §15064.5 of the <i>CEQA Guidelines</i>, appropriate protective actions for significant resources such as avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds shall be implemented by the project archaeologist and the City.</p> <p>No further grading shall occur in the area of the discovery until the City and project archaeologist approve the measures to address these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a</p>	Division/Public Works, and Planning Division	Construction	disturbing activities	archaeologist been retained		Order

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
qualified scientific institution approved by the City where they would be afforded long-term preservation to allow future scientific study.						
4.5.6.2A If any historic resources are found during implementation of Mitigation Measure 4.5.6.1A, the Project Archaeologist or Historian (as appropriate) shall offer any artifacts or resources to the Moreno Valley Historical Society (MVHS) or the Eastern Information Center/County Museum or the Western Science Center in Hemet as appropriate for archival storage. From the time any artifacts are turned over to the Moreno Valley Historical Society or other appropriate historical group, the developer shall have no further responsibility for their management or maintenance.	City Planning Division	As Needed During Construction	During grading	A qualified archaeologist or historian(s) shall be retained by the applicant. A report of findings shall be submitted to the City after the finalization of construction		Issuance of a Stop Work Order
4.5.6.2B As part of construction of the trail segment connecting Redlands Boulevard to the California Department of Fish and Wildlife property, the developer shall contribute \$5,000 to the City for the installation of a historical marker acknowledging the passing of Juan Bautista de Anza through this area during his exploration of California. This measure shall be incorporated into trail plans for this segment which will be subject to review and approval by the City Park and Recreation Department in consultation with the Moreno Valley Historical Society.	City Park and Recreation Department	Once	Prior to approval of trail plans	Review and Approval of Trail Plans Written verification the \$5,000 has been paid		Withhold Approval of Trail Plans
4.5.6.2C Streets C and E shall follow the historical alignment of Alessandro Boulevard and shall be named Alessandro Boulevard.	City Land Development/Public Works City Park and Recreation Department	Once prior to issuance of Plot Plan	Prior to issuance of approval of plot plans for Planning Areas along	Review and Approval of Plot Plans		Withhold Plot Plan approval

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
			Alessandro Boulevard.			
<p>4.5.6.3A Prior to the issuance of any grading permits, a City-approved Paleontologist shall be retained to conduct paleontological monitoring as needed for all grading related to development. Development monitoring shall include the following actions:</p> <p>1. Monitoring must occur in areas where excavations are expected to exceed twenty (20) feet in depth, in areas where fossil-bearing formations are found during grading, and in all areas found to contain, or are suspected of containing, fossil-bearing formations.</p> <p>2. To avoid construction delays, paleontological monitors shall be equipped to salvage fossils and remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates if they are unearthed.</p> <p>3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of specimens.</p> <p>4. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by the Project Paleontologist to have low potential to contain fossil resources. This measure shall be implemented to the satisfaction of the Planning Official. The Project Paleontologist and the Project Archaeologist described in Mitigation Measure 4.5.6.1C may be the same person if he/she meets the qualifications of both positions</p>	City Planning Division	Once before issuance of grading permits and As Needed During Construction	Prior to issuance of any grading permits for development within the WLCSP	A qualified paleontologist(s) shall be retained by the applicant to monitor full time during the duration of ground disturbing activities. A report of findings shall be submitted to the City after the finalization of construction		Withhold Grading Permit Or Issuance of a Stop Work Order

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
per Cultural Report MM PR-1, Table 4, pg.76).						
<p>4.5.6.3B Prior to the issuance of any permits for the construction of off-site improvements, a qualified paleontologist shall conduct an assessment for paleontological resources on each off-site improvement location. If any site is determined to have a potential for exposing paleontological resources, the project paleontologist shall monitor off-site grading/excavation, subject to coordination with the City. Development monitoring shall include the following mitigation measures:</p> <p>1. Monitoring must occur in areas where excavations are expected to reach fossil-bearing formations during grading. This monitoring must be conducted by the Project Paleontologist in all areas found to or suspected of containing fossil-bearing formations.</p> <p>2. To avoid construction delays, the Project Paleontologist shall be equipped to salvage fossils and remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates as they are unearthed.</p> <p>3. The Project Paleontologist shall be empowered to temporarily halt or divert equipment to allow removal of specimens.</p> <p>4. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by the Project Paleontologist to have low potential to contain fossil resources.</p>	City Planning Division	Once before issuance of grading permits and As Needed During Construction	Prior to issuance of grading permits for construction of any off-site improvements	A qualified paleontologist(s) shall be retained by the applicant to monitor full time during the duration of ground disturbing activities. A report of findings shall be submitted to the City after the finalization of construction.		Withhold Grading Permit Or Issuance of a Stop Work Order

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.6 Geology and Soils						
4.6.6.1A Prior to approval of any projects for development between Redlands Boulevard and Theodore Street, south of Dracaea Avenue (projected east from Redlands Boulevard), and the area south of Alessandro from the western boundary along the Mount Russell toe of slope easterly into the site 1,500 feet, the City shall determine if a detailed fault study of the Casa Loma Fault Zone area is required based on available evidence. If necessary, any additional geotechnical investigations shall be prepared by a qualified geologist and determine if structural setbacks are needed, and shall identify specific remedial earthwork and/or foundation recommendations. Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific geotechnical investigations. In addition, the project structural engineer shall review the site specific investigations, provide any additional necessary mitigation to meet the California Building Code requirements, and incorporate all applicable mitigations from the investigation into the structural design plans and shall ensure that all structural plans for the project meet current Building Code requirements. Additionally, a registered geotechnical engineer shall review each site-specific geotechnical investigation, approve the final report, and require compliance with all geotechnical mitigations contained in the investigation in the plans submitted for the grading, foundation, structural, infrastructure, and all other relevant construction permits. The City Building Division shall review and approve plans to confirm that the siting, design and construction of all structures and facilities are in accordance	City Engineer and Project Geologist and Land Development/ Public Works	Once before project approvals	Prior to approval of any projects for future development between Redlands Boulevard and Theodore Street, south of Dracaea Avenue (projected east from Redlands Boulevard), and the area south of Alessandro from the western boundary along the Mount Russell toe of slope easterly into the site 1,500 feet.	Review and approval of geotechnical fault study.		Withhold Approval of Projects

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
with the regulations established in the California Building Code (California Code of Regulations, Title 24), and/or professional engineering standards appropriate for the seismic zone in which such construction may occur. Structures intended for human occupancy shall not be located within any structural setback zone as determined by those studies. This measure shall be implemented to the satisfaction of the City Engineer in consultation with the Project Geologist.						
4.6.6.1B Prior to approval of any projects for development within or adjacent to the San Jacinto Alquist-Priolo Earthquake Fault Zone, the City shall review and approve a geotechnical fault study prepared by a qualified geologist to confirm the alignment and size of any required building setbacks related to the fault zone. If necessary, this study shall identify a "special foundation or grading remediation zone" for the areas supporting structures intended for human occupancy where coseismic deformation (fractures) is observed. This zone shall be determined after subsurface evaluation based on proposed building locations. Specific remedial earthwork and foundation recommendations shall be evaluated as necessary based on proposed building locations. Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific geotechnical investigations. In addition, the project structural engineer shall review the site specific investigations, provide any additional necessary mitigation to meet the California Building Code requirements, and incorporate all applicable mitigations from the investigation into the structural design plans and shall ensure that	City Engineer and Project Geologist Land Development/Public Works	Once before approval of any development permits and Prior to Plot Plan Approval	Prior to approval of any projects for future development within or adjacent to the San Jacinto Alquist-Priolo Earthquake Fault Zone.	Review and approval of geotechnical fault study.		Withhold Approval of Projects

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>all structural plans for the project meet current Building Code requirements. Additionally, a registered geotechnical engineer shall review each site-specific geotechnical investigation, approve the final report, and require compliance with all geotechnical mitigations contained in the investigation in the plans submitted for the grading, foundation, structural, infrastructure, and all other relevant construction permits. The City Building Division shall review and approve plans to confirm that the siting, design and construction of all structures and facilities are in accordance with the regulations established in the California Building Code (California Code of Regulations, Title 24), and/or professional engineering standards appropriate for the seismic zone in which such construction may occur.</p> <p>This study may involve trenching to adequately identify the location of the Claremont segment of the San Jacinto Fault Zone that crosses the eastern portion of the World Logistics Center Specific Plan property. This measure shall be implemented to the satisfaction of the City Engineer in consultation with the Project Geologist.</p>						
<p>4.6.6.1C Prior to the approval of grading permits, or permits for construction of off-site improvements, the City shall review and approve plans confirming that the project has been designed to withstand anticipated ground shaking and other geotechnical and soil constraints (e.g., settlement). The project proponent shall submit plans to the City as appropriate for review and approval prior to issuance of grading permits or issuance of permits for the construction of any offsite improvements. This measure shall be</p>	City Engineer and Land Development/ Public Works	Once before issuance of grading permits	Prior to the approval of project grading permits, or permits for construction of off-site improvements	Review and approve grading and construction plans		Withhold Issuance of Grading Permits

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
implemented to the satisfaction of the City Engineer.						
4.6.6.2A Prior to issuance of building permits for any portion of the project site, a site-specific, design level geotechnical investigation for each parcel shall be submitted to the City , which would comply with all applicable state and local code requirements, and includes an analysis of the expected ground motions at the site from known active faults using accepted methodologies. The report shall determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable City amendments, to ensure that structures can withstand ground accelerations expected from known active faults. The report shall also determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements. Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific geotechnical investigations. In addition, the project structural engineer shall review the site specific investigations, provide any additional necessary mitigation to meet the California Building Code requirements, and incorporate all applicable mitigations from the investigation into the structural design plans and shall ensure that all structural plans for the project meet current Building Code requirements. Additionally, a registered geotechnical engineer shall review each site-specific geotechnical investigation, approve the final report, and require compliance with all geotechnical mitigations contained in the investigation in the plans submitted for the grading, foundation, structural, infrastructure, and	City Engineer and Land Development/Public Works	Once before issuance of any building permits	Prior to issuance of any building permits	Review and approval of a site-specific, design level geotechnical investigation for each parcel		Withhold Building Permits

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
all other relevant construction permits. The City Building Division shall review and approve plans to confirm that the siting, design and construction of all structures and facilities are in accordance with the regulations established in the California Building Code (California Code of Regulations, Title 24), and/or professional engineering standards appropriate for the seismic zone in which such construction may occur.						
<p>4.6.6.3A Each Plot Plan application for development shall include a site-specific, design level geotechnical investigation for each parcel, in compliance with all applicable state and local code requirements, and including an analysis of the expected soil hazards at the site. The report shall determine:</p> <p>1. Structural design requirements as prescribed by the most current version of the California Building Code, including applicable City amendments, to ensure that structures can withstand ground accelerations expected from known active faults.</p> <p>2. The final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements.</p> <p>Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific geotechnical investigations. In addition, the project structural engineer shall review the site specific investigations, provide any additional necessary mitigation to meet the California Building Code requirements, and incorporate all applicable</p>	City Engineer and Land Development/Public Works	Once before plot plan approval	Prior to the approval of a Plot Plan for any development project or associated off-site improvements	Submittal and Approval of Geotechnical Report		Withhold Approval of Plot Plan

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>mitigations from the investigation into the structural design plans and shall ensure that all structural plans for the project meet current Building Code requirements. These investigations shall identify any site-specific impacts from compressible and expansive soils based on the actual location of individual pads proposed in the future, so that differential movement can be further verified or evaluated in view of the actual foundation plan and imposed fill or structural loads. Additionally, a registered geotechnical engineer shall review each site-specific geotechnical investigation, approve the final report, and require compliance with all geotechnical mitigations contained in the investigation in the plans submitted for the grading, foundation, structural, infrastructure, and all other relevant construction permits. The City Building Division shall review and approve plans to confirm that the siting, design and construction of all structures and facilities are in accordance with the regulations established in the California Building Code (California Code of Regulations, Title 24), and/or professional engineering standards appropriate for the seismic zone in which such construction may occur.</p> <p>Compliance with this measure will ensure that future buildings are designed to protect the structure and occupants from on-site soil limitations, consistent with State Building Code requirements. This measure shall be implemented to the satisfaction of the City Engineer.</p>						
4.6.6.3B Any cut slopes in excess of five (5) feet in vertical height shall be constructed as "replacement fill slopes" per the project	City Land Development Division and City	Once before issuance of any grading	Prior to issuance of any grading	Review and approval of grading plans		Withhold Grading Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
geotechnical report, due to the variable nature of the onsite alluvial soils. This measure shall be implemented to the satisfaction of the City Land Development Division and the City Engineer in consultation with the Project Geologist.	Engineer	permit	permit for development within the Specific Plan			
4.6.6.3C During all grading activities, a geotechnical engineer shall monitor site preparation, removal of unsuitable soils, mapping of all earthwork excavations, approval of imported earth materials, fill placement, foundation installation, and other geotechnical operations. Laboratory testing of subsurface materials to confirm compacted dry density and moisture content, consolidation potential, corrosion potential, expansion potential, and resistance value (R-value) shall be performed prior to and during grading as appropriate. This measure shall be implemented to the satisfaction of the City Engineer in consultation with the Project Geologist.	City Engineer and Land Development/Public Works	Once before permitting	Prior to issuance of any discretionary permit for development within the Specific Plan	Review of additional geotechnical and soils site investigations		Withhold Discretionary Permit
4.7 Greenhouse Gases and Global Climate Change						
4.7.6.1A The project shall implement the following requirements to reduce solid waste and greenhouse gas emissions from construction and operation of project development: a) Prior to January 1, 2020, divert a minimum of 50 percent of landfill waste generated by operation of the project. After January 1, 2020, development shall divert a minimum of 75 percent of landfill waste. In January of each calendar year after project approval the developer and/or Property Owners Association shall certify the percentage of landfill waste diverted on an annual basis.	Recycling Coordinator/Public Works and City Planning Division	Once each calendar year after project approval	January 1 of each year following project approval	Provide verification sheet to the Planning division. Property Owners Association or the property owner shall certify the percentage of landfill waste		Withholding Future Discretionary Approvals

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>b) Prior to January 1, 2020, recycle and/or salvage at least 50 percent of non-hazardous construction and demolition debris. After January 1, 2020, recycle and/or salvage at least 75 percent of non-hazardous construction and demolition debris. In January of each calendar year after project approval the developer and/or Property Owners Association shall certify the percentage of landfill waste diverted on an annual basis.</p> <p>Develop and implement a construction waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted on-site or co-mingled. Calculations can be done by weight or volume, but must be consistent throughout.</p>	City Planning Division	Once each calendar year after project approval	January 1 of each year following project approval	<p>diverted on an annual basis.</p> <p>Certification has been submitted to the City.</p> <p>Property Owners Association or the property owner shall certify the percentage of landfill waste diverted on an annual basis.</p>		Implement Land Use and Enforcement Procedures
<p>c) The applicant shall submit a Recyclables Collection and Loading Area Plan for construction related materials prior to issuance of a building permit with the Building Division and for operational aspects of the project prior to the issuance of the occupancy permit to the Public Works Department. The plan shall conform to the Riverside County Waste Management Department's Design Guidelines for Recyclable Collection and Loading Areas.</p>	City Building and Safety Division	Once before issuance of building permits	Prior to issuance of building permits	Review and approval of a Recyclables Collection and Loading Area plan		Withhold Building Permit
<p>d) Prior to issuance of certificate of occupancy, the recyclables collection and loading area shall</p>	City Planning Division	Once before issuance of	Prior to issuance of	Review and Approval of		Withhold Certificate of

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
be constructed in compliance with the Recyclables Collection and Loading Area plan.		occupancy permit	occupancy permit	building plans		Occupancy
e) Prior to issuance of certificate of occupancy, documentation shall be provided to the City confirming that recycling is available for each building.	City Planning Division	Once before issuance of occupancy permit	Prior to issuance of occupancy permit	Compliance with Recyclables Collection and Loading Area plan		Withhold Certificate of Occupancy
f) Within six months after occupancy of a building, the City shall confirm that all tenants have recycling procedures set in place to recycle all items that are recyclable, including but not limited to paper, cardboard, glass, plastics, and metals.	City Planning Division	Within six months of building occupancy	Within six months after occupancy of building	Review and approval of a Recyclables Collection and Loading Area plan.		Withhold Certificate of Occupancy
g) The property owner shall advise all tenants of the availability of community recycling and composting services.	City Planning Division	Once before issuance of a Certificate of Occupancy	Prior to issuance of a Certificate of Occupancy	Written verification will be submitted to the City that the property owner advised all tenants of the availability of community recycling and composting services.		Withhold the Certificate of Occupancy
h) Existing onsite street material shall be recycled for new project streets to the extent feasible.	City Engineer Land Development/ Public Works	Once before issuance of grading permits	Prior to issuance of grading permits	Review and approval of construction documents including street plans		Withhold Grading Permits

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.8 Hazards and Hazardous Materials						
4.8.6.1A Prior to demolition of any existing structures on the project site, a qualified contractor shall be retained to determine if asbestos-containing materials (ACMs) and/or lead-based paint (LBP) are present. If asbestos-containing materials and/or lead-based paint are present, prior to commencement of demolition, these materials shall be removed and transported to an appropriate landfill by a licensed contractor. In addition, onsite soils shall be tested for contamination by agricultural chemicals. If present, these materials shall be removed and transported to an appropriate landfill by a licensed contractor. This measure shall be implemented to the satisfaction of the Building Division including written documentation of the disposal of any asbestos-containing materials, lead-based paint, or agricultural chemical residue in conformance with all applicable regulations.	City Building Division	Once Before Permitting and as Needed During Construction	Prior to demolition of any existing rural residences or associated structures	Evidence of qualified contractor provided		Holding and Not Approving Demolition Permits
4.8.6.1B Prior to the issuance of any discretionary permits associated with the proposed fueling facility ("logistic support" site in the LD zone), a risk assessment or safety study that identifies the potential public health and safety risks from accidents at the facility (e.g., fire, tank rupture, boiling liquid, or expanding vapor explosion) shall be submitted to the City for review and approval. This study shall be prepared to industry standards and demonstrate that the facility will not create any significant public health or safety impacts or risks, to the satisfaction of the City Building and Safety Division and the Fire Prevention Bureau.	Fire Prevention Bureau and Building and Safety Division	Once Before Permitting	Prior to issuance of any discretionary permits associated with natural gas fueling facility	Review and Approval of Risk Assessment or Safety Study		Withhold Discretionary Permit
4.8.6.1C Prior to grading, for any discretionary	Building Official and	Once before	Prior to	Review and		Withhold

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
permits for development in Planning Areas 9-12 adjacent to the natural gas compressor plant, the applicant shall prepare a risk assessment report analyzing safety conditions relative to the existing compressor plant and planned development. The report must be based on appropriate industry standards and identify the potential hazards from the compressor plant (e.g., fire, explosion) and determine that the distance from the plant to the closest planned buildings in Planning Areas 9-12 is sufficient to protect the safety of workers from accidents that could occur (see Final EIR Volume 2 Figure 4.1.6B) at the compressor plant. This measure shall be implemented to the satisfaction of the City Building and Safety Division and the Fire Prevention Bureau.	Fire Marshal	issuance of discretionary permits for development within Planning Areas 9-12	issuance of discretionary permits for development within Planning Areas 9-12	approval of a risk assessment		Discretionary Permit
4.8.6.1D Prior to the issuance of any grading permit, the developer shall inform the City of any existing solid waste materials within the development area. In conjunction with grading activities, all solid waste matter within the development area shall be removed by a licensed contractor and disposed of in an approved landfill. A record of the removal and disposal of any waste materials, in compliance with applicable laws and regulations, shall be submitted to the City prior to the issuance of any building permits.	Recycling Coordinator/Public Works	Once before issuance of grading permits	Prior to issuance of grading permits	Applicant will inform the City in writing of any existing solid waste materials within the development area		Withhold Grading Permit
4.9 Hydrology and Water Quality						
4.9.6.1A Prior to issuance of any building permit within the Specific Plan area, the developer shall construct storm drain pipes and conveyances, as well as, combined detention and infiltration basin(s), bioretention areas, and spreading area(s) within each proposed watershed, as outlined in the project hydrology plan, to mitigate	Land Development/Public Works	Prior to Occupancy	Prior to issuance of any development permit	Review and approval of construction documents Field Inspection		Withhold Building Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
the impacts of increased peak flow rate, velocity, flow volume and reduce the time of concentration by storing and infiltrating increased runoff for a limited period of time and release the outflow at a rate that does not exceed the pre-development peak flows and velocities for the 2, 5, 10, 25, and 100-year storms and volumes as assessed in the water balance model for historical conditions. For the purpose of this mitigation measure, the term "construct" shall mean to substantially complete construction so as to function for its intended purpose during construction with complete construction prior to occupancy. Field investigations will be conducted to determine the infiltration rate of soils underlying the proposed locations of bioretention areas and detention basins. The infiltration rate of the underlying soils will be used to properly size the bioretention areas and detention basins/infiltration basins to ensure that adequate volumes of runoff, in cumulative total for all bioretention areas and detention basins are captured and infiltrated. The water balance model will be updated and rerun for the site-specific conditions encountered to confirm the water balance. This measure shall be implemented to the satisfaction of the City Engineer. Energy dissipaters shall be used as the spillways of basins to reduce the runoff velocity and dissipate the flow energy. Drainage weir structures shall be constructed at the downstream end of the watersheds flowing to the San Jacinto Wildlife Area to control the runoff and spread the flow such that the flows exiting the project boundary will return to the sheet flow pattern similar to the existing condition. Detention basins and spreading areas shall be designed to account for the amount of the sediment						

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
transported through the project boundary so that the existing sediment carrying capacity is maintained.						
<p>4.9.6.1B The bioretention areas and detention/infiltration basins shall be designed to assure infiltrations rates. The monitoring plan will follow the guidelines presented by the California Storm Water Quality Association (CASQA) in the California Storm Water Best Management Program (BMP) Handbook, Municipal, January 2003 Section 4, Treatment Control Best Management Programs Fact Sheets TC-11 Infiltration Basin and TC-30 Vegetated Swale).</p> <p>For the Bioretention areas, as needed maintenance activities shall be conducted to remove accumulated sediment that may obstruct flow through the swale. Bioretention areas shall be monitored at the beginning and end of each wet season to assess any degradation in infiltration rates. The maintenance activities should occur when sediment on channels and culverts builds up to more than 3 inches (CASQA 2003). The swales will need to be cultivated or rototilled if drawdown takes more than 72 hours.</p>	City Engineer	Once before issuance of grading permits	Prior to issuance of grading permits	Review and approval of a monitoring plan for the detention/ infiltration basins		Withhold Grading Permit
For the detention/infiltration basins, a 3-5 year maintenance program shall be implemented mainly to keep infiltration rates close to original values since sediment accumulation could reduce original infiltration rate by 25-50%. Infiltration rates in detention basins will be monitored at the beginning and end of each wet season to assess any degradation in infiltration rates. If cumulative infiltration rates of all detention basins drops below the minimum required rates, then the detention basins will be reconditioned to improve infiltration capacity by	Land Development/Public Works	Ongoing during occupancy	Ongoing during occupancy	On-Site Inspection		Notice of Violation

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
scraping the bottom of the detention basin, seed or sod to restore groundcover, aerate bottom and dethatch basin bottom (CASQA 2003).						
4.9.6.2A Prior to issuance of any grading permit for development in the World Logistics Center Specific Plan, the project developer shall file a Notice of Intent (NOI) with the Santa Ana Regional Water Quality Control Board to be covered under the National Pollutant Discharge Elimination System (NPDES) General Construction Permit for discharge of storm water associated with construction activities. The project developer shall submit to the City the Waste Discharge Identification Number issued by the State Water Quality Control Board (SWQCB) as proof that the project's Notice of Intent is to be covered by the General Construction Permit has been filed with the State Water Quality Control Board. This measure shall be implemented to the satisfaction of the City Engineer.	City Engineer, Land Development/ Public Works, and Stormwater Management	Once before issuance of any grading permit	Prior to issuance of any grading permit	Proof of NOI submittal		Withhold Grading Permit
4.9.6.2B Prior to issuance of any grading permit for development in the World Logistics Center Specific Plan, the project developer shall submit to the State Water Quality Control Board (SWQCB) a project-specific Storm Water Pollution Prevention Plan (SWPPP). The Storm Water Pollution Prevention Plan shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. In addition, the Storm Water Pollution Prevention Plan shall emphasize structural and nonstructural best management practices (BMPs) to control sediment and non-visible discharges from the site. Best Management Practices to be implemented may	City of Moreno Valley and the Regional Water Quality Control Board and Land Development/ Public Works	Once before issuance of any grading permit	Prior to issuance of any grading permit	Written verification of filing a SWPPP by the RWQCB		Withhold Grading Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>include (but shall not be limited to) the following:</p> <ul style="list-style-type: none"> Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary debris basins (if deemed necessary), and other discharge control devices. The construction and condition of the Best Management Practices are to be periodically inspected by the Regional Water Quality Control Board during construction, and repairs would be made as required. Materials that have the potential to contribute non-visible pollutants to storm water must not be placed in drainage ways and must be placed in temporary storage containment areas. All loose soil, silt, clay, sand, debris, and other earthen material shall be controlled to eliminate discharge from the site. Temporary soil stabilization measures to be considered include: covering disturbed areas with mulch, temporary seeding, soil stabilizing binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Stockpiles shall be surrounded by silt fences and covered with plastic tarps. The Storm Water Pollution Prevention Plan shall include inspection forms for routine monitoring of the site during the construction phase. Additional required Best Management Practices and erosion control measures shall be documented in the Storm Water Pollution Prevention Plan. 						

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<ul style="list-style-type: none"> The Storm Water Pollution Prevention Plan would be kept on site for the duration of project construction and shall be available to the local Regional Water Quality Control Board for inspection at any time. <p>The developer and/or construction contractor for each development area shall be responsible for performing and documenting the application of Best Management Practices identified in the project-specific Storm Water Pollution Prevention Plan. Regular inspections shall be performed on sediment control measures called for in the Storm Water Pollution Prevention Plan. Monthly reports shall be maintained and available for City inspection. An inspection log shall be maintained for the project and shall be available at the site for review by the City of Moreno Valley and the Regional Water Quality Control Board.</p>						
<p>4.9.6.3A Prior to discretionary permit approval for individual plot plans, a site-specific Water Quality Management Plan (WQMP) shall be submitted to the City Land Development Division for review and approval. The Water Quality Management Plan shall specifically identify site design, source control, and treatment control Best Management Practices that shall be used on site to control pollutant runoff and to reduce impacts to water quality to the maximum extent practicable. The Water Quality Management Plan shall be consistent with the Water Quality Management Plan approved for the overall World Logistics Center Specific Plan project. At a minimum, the site developer shall implement the following site design, source control, and treatment control Best Management Practices as</p>	City Land Development Division	Once before issuance of any grading or building permits	Prior to issuance of discretionary permit approval for individual plot plans	Review and Approval of WQMP		Withhold Grading or Building Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>appropriate:</p> <p>Site Design Best Management Practices</p> <ul style="list-style-type: none"> • Minimize urban runoff. • Maximize the permeable area.\ • Incorporate landscaped buffer areas between sidewalks and streets. • Maximize canopy interception and water conservation by planting native or drought-tolerant trees and large shrubs. • Use natural drainage systems. • Where soil conditions are suitable, use perforated pipe or gravel filtration pits for low flow infiltration. • Construct on-site ponding areas or retention facilities to increase opportunities for infiltration consistent with vector control objectives. • Minimize impervious footprint. • Construct streets, sidewalks and parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised. • Reduce widths of street where off-street parking is available. 						

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<ul style="list-style-type: none"> Minimize the use of impervious surfaces such as decorative concrete, in the landscape design. Conserve natural areas. Minimize Directly Connected Impervious Areas (DCIAs). Runoff from impervious areas will sheet flow or be directed to treatment control Best Management Practices. Streets, sidewalks, and parking lots will sheet flow to landscaping/bioretenion areas that are planted with native or drought tolerant trees and large shrubs. <p>Source Control Best Management Practices Source control Best Management Practices are implemented to eliminate the presence of pollutants through prevention. Such measures can be both non-structural and structural:</p> <p><u>Non-structural source control Best Management Practices include:</u></p> <ul style="list-style-type: none"> (a) Education for property owners, operator, tenants, occupants, or employees; (b) Activity restrictions; (c) Irrigation system and landscape maintenance; (d) Common area litter control; 						

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>(e) Street sweeping private streets and parking lots; and</p> <p>(f) Drainage facility inspection and maintenance.</p> <p><u>Structural source control Best Management Practices include:</u></p> <p>(g) MS4 stenciling and signage;</p> <p>(h) Landscape and irrigation system design;</p> <p>(i) Protect slopes and channels; and</p> <p>(j) Properly design fueling areas, trash storage areas, loading docks, and outdoor material storage areas.</p> <p>Treatment Control Best Management Practices</p> <p>Treatment control Best Management Practices supplement the pollution prevention and source control measures by treating the water to remove pollutants before it is released from the project site. The treatment control Best Management Practice strategy for the project is to select Low Impact Development (LID) Best Management Practices that promote infiltration and evapotranspiration, including the construction of infiltration basins, bioretention facilities, and extended detention basins. Where infiltration Best Management Practices are not appropriate, bioretention and/or biotreatment Best Management Practices (including extended detention basins, bioswales, and constructed wetlands) that provide opportunity for evapotranspiration and incidental infiltration may be utilized. Harvest and Reuse Best Management Practice will be used to store</p>						

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
runoff for later non-potable uses. Site-specific Water Quality Management Plans have not been prepared at this time as no site-specific development project has been submitted to the City for approval. When specific projects within the project are developed, Best Management Practices will be implemented consistent with the goals contained in the Master Water Quality Management Plan. All development within the project will be required to incorporate on-site water quality features to meet or exceed the approved Master Water Quality Management Plan's water quality requirements identified previously.						
4.9.6.3B The Property Owners Association (POA) and all property owners shall be responsible to maintain all onsite water quality basins according to requirements in the guidance Water Quality Management Plan and/or subsequent site-specific Water Quality Management Plans, and established guidelines of the Regional Water Quality Control Board. Failure to properly maintain such basins shall be grounds for suspension or revocation of discretionary operating permits, and/or referral to the Regional Water Quality Control Board for review and possible action. This measure shall be implemented to the satisfaction of the City Land Development Division, in consultation with the City Engineer, and Regional Water Quality Control Board.	City Land Development Division	As Needed	Ongoing	Onsite inspections		Revocation of Discretionary or Operating Permits
4.9.6.3C Prior to issuance of future discretionary permits for any development along the southern boundary of the World Logistics Center Specific Plan (WLCSP), the project developer of such	Land Development Division	Annually	Prior to issuance of discretionary permits for any	Evidence of Annual Water Quality Monitoring Plan fund		Withhold Discretionary Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>sites, in cooperation with the Property Owners Association (POA), shall establish and annually fund a Water Quality Mitigation Monitoring Plan (WQMMP) to confirm that project runoff will not have deleterious effects on the adjacent San Jacinto Wildlife Area (SJWA). This program shall include at least quarterly sampling along the southern boundary of the site (i.e., at the identified outlet structures of the project detention basins) during wet season flows and/or when water is present, as well as sampling of any dry-season flows that are observed entering the San Jacinto Wildlife Area property from the project property, including Drainage 9, which is planned to convey only clean off-site flows from north of the World Logistics Center Specific Plan site across Gilman Springs Road. The program shall also include at least twice yearly sampling after completion of construction, and a pre-construction survey must be completed to determine general water quality baseline conditions prior to and during development of the southern portion of the World Logistics Center Specific Plan. This sampling shall be consistent with and/or comply with the requirements of applicable Storm Water Pollution Prevention Plans (SWPPPs) for the development site.</p> <p>The project developer of sites along the southern border of the World Logistics Center Specific Plan shall be responsible for preventing or eliminating any toxic pollutant (not including sediment) found to exceed applicable established public health standards. In addition, the discharge from the project shall not cause or contribute to an exceedance of Receiving Water Quality Objectives for the potential pollutants</p>			development along the southern boundary of the WLCSP			

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
associated with the project as identified in Table 4.9.J. Once development is complete, the developer shall retain qualified personnel to conduct regular (i.e., at least quarterly) water sampling/testing of any basins and their outfalls to ensure the San Jacinto Wildlife Area will not be affected by water pollution from the project site. This measure shall be implemented to the satisfaction of the City Land Development Division Manager based on consultation with the project developer, Eastern Municipal Water District, the Regional Water Quality Control Board-Santa Ana Region, and the Mystic Lake Manager.						
4.12 Noise						
4.12.6.1A Prior to issuance of any discretionary project approvals, a Noise Reduction Compliance Plan (NRCP) shall be submitted to and approved by the City. The Noise Reduction Compliance Plan shall show the limits of nighttime construction in relation to any then-occupied residential dwellings and shall be in conformance with City standards. Conditions shall be added to any discretionary projects requiring that the limits of nighttime grading be shown on the Noise Reduction Compliance Plan and all grading plans submitted to the City (per Noise Study MM N-2, pg. 51).	City Planning Division	Once Before Permitting	Prior to issuance of any building or grading permits	Review and Approval of a Noise Reduction Compliance Plan		Withhold Building and Grading Permit
4.12.6.1B All construction equipment, fixed or mobile, shall be equipped with operating and maintained mufflers consistent with manufacturers' standards.	City Planning Division	As Needed During Grading	During site grading and construction	Review of Construction Documents and On-site Inspection		Issuance of a Stop Work Order
4.12.6.1C Construction vehicles shall be prohibited from using Redlands Boulevard south of Eucalyptus Avenue to access on-site construction for all phases of development of the	City Planning Division Transportations	Once before issuance of grading permits or	Prior to any issuance of grading permits or	Review and Approval of Construction Documents		Withhold Grading Permits or approval of

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Specific Plan (per Noise Study MM N-1, pg. 51).	Division/Public Works	approval of roadway and utility improvement plans	approval of roadway and utility improvement plans			roadway and utility improvement plans
4.12.6.1D No grading shall occur within 2,800 feet of residences south of State Route-60 between 8 p.m. and 6 a.m. on weekdays and between 8 p.m. and 7 a.m. on weekends. These restrictions shall be included as part of the Noise Reduction Compliance Plan per Mitigation Measure 4.12.6.1A (per Noise Study MM N-2, pg. 51)	City Planning Division and Land Development/Public Works	Once Before Permitting and On-going during grading	Prior to any discretionary approvals for development in the WLCSP	Review and Approval of Noise Reduction Compliance Plan		Issuance of a Stop Work Order
4.12.6.1E As an alternative to Mitigation Measure 4.12.6.1D, a 12-foot tall temporary construction sound barrier may be installed for residences within 1,580 feet of active nighttime construction areas. The temporary sound barrier shall be constructed of plywood with a total thickness of 15 inches, or a sound blanket wall may be used. If sound blankets are used, they must have a Sound Transmission Class (STC) rating of 27 or greater. This shall be included as part of the Noise Reduction Compliance Plan required in Mitigation Measure 4.12.6.1A, which shall be reviewed and approved by the City prior to implementation (per Noise Study MM N-2 and N-3, pg. 51 and pg. 52).	City Planning Division	Once Before Permitting	Prior to grading	Review and Approval of Noise Reduction Compliance Plan		Withhold Grading and Building Permits
4.12.6.1F As an alternative to Mitigation Measure 4.12.6.1D and 4.12.6.1E, on-site noise measurements of construction areas may be taken by qualified personnel and specific buffer distances between construction activities and existing residences may be proposed based on actual noise levels. These measurements will be incorporated into the Noise Reduction	City Planning Division	Once Before Permitting	Prior to grading	Review and Approval of Noise Reduction Compliance Plan		Withhold Grading and Building Permits

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Compliance Plan required in Mitigation Measure 4.12.6.1A, which shall be reviewed and approved by the City prior to implementation (per Noise Study MM N-2, pg. 51).						
4.12.6.1G Any discretionary approvals for development that proposes grading within 1,580 feet of occupied residential units shall require that all grading equipment be equipped with residential grade mufflers (or better). All stationary construction equipment shall be placed so that emitted noise is directed away from noise-sensitive receptors nearest the site. Additionally, stationary construction equipment shall have all standard acoustic covers in place during operation (per Noise Study MM N-4, pg. 52).	City Planning Division	As Needed During Grading	Prior to any discretionary approvals for development that proposes grading within 1,580 feet of occupied residential units	Review and Approval of Construction Documents. Require Written Materials from the Applicant or Operator		Issuance of a Stop Work Order
4.12.6.1H All material stockpiles in connection with any grading operations shall be located at least 1,200 feet from existing residences (per Noise Study MM N-5, pg. 52).	City Planning Division and Land Development/Public Works	As Needed During Grading	During Grading	On-site Inspection		Issuance of a Stop Work Order
4.12.6.1I All project-related off-site construction shall be limited to 6 a.m. and 8 p.m. on weekdays only. Construction during weekends and City holidays shall not be permitted (per Noise Study MM N-6, pg. 53) to the satisfaction of the Land Development Division/Public Works.	City Land Development Division/Public Works	On-going as needed	During construction	Review and Approval of Construction Documents		Issuance of a Stop Work Order
4.12.6.1J Prior to issuance/approval of any grading permits, off-site construction activities adjacent to residential uses shall provide for installation of 12-foot temporary sound barriers for construction activities lasting more than one month. The sound barrier will reduce noise levels by approximately 10 dB. The temporary sound barrier may be constructed of plywood with a total thickness of 1.5 inches, or a sound blanket	City Planning Division	Once before issuance of grading permits	Prior to the issuance of grading permits	Evidence of off-site 12-foot temporary sound barrier during construction activities lasting more than 1 month		Withhold Grading Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
wall may be used. If sound blankets are used, the curtains must have a Sound Transmission Class (STC) rating of 27 or greater. No off-site construction is permitted during weekday nighttime hours (8 p.m. to 6 a.m.) or during weekends and City holidays except for emergencies (per Noise Study MM N-7, pg. 53).						
<p>4.12.6.2A When processing future individual buildings under the World Logistics Center Specific Plan, as part of the City's approval process, the City shall require the Applicant to take the following three actions for each building prior to approval of discretionary permits for individual plot plans for the requested development:</p> <p>Action 1: Perform a building-specific noise study to ensure that the assumptions set forth in the FEIR prepared for the programmatic level entitlement remain valid. These procedure used to conduct these noise analyses shall be consistent with the noise analysis conducted in the programmatic FEIR and shall be used to impose building-specific mitigation on the individually-proposed buildings.</p> <p>Action 2: If the building-specific analyses identify that the proposed development triggers the need for mitigation from the proposed building, including all preceding developments in the specific plan area, the Applicant shall implement the mitigation identified in the WLC FEIR. Prior to implementing the mitigation, the Applicant shall send letters by registered mail to all property owners and non-owner occupants of properties that would benefit from the proposed mitigation asking them to provide a position either in favor</p>	City Planning Division	Once before issuance of a certificate of occupancy	Prior to issuance of discretionary permits for Action 1. Prior to issuance of certificate of occupancy for actions 2 and 3	Review and approval of a noise study		Withhold Certificate of Occupancy

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>of or in opposition to the proposed noise abatement mitigation within 45 days. Each property shall be entitled to one vote on behalf of owners and one vote per dwelling on behalf of non-owner occupants.</p> <p>If more than 50% of the votes from responding benefited receptors oppose the abatement, the abatement will not be considered reasonable. Additionally, for noise abatement to be located on private property, 100% of owners of property upon which the abatement is to be placed must support the proposed abatement. In the case of proposed noise abatement on private property, no response from a property owner, after three attempts by registered mail, is considered a <i>no</i> vote.</p> <p>At the completion of the vote at the end of the 45 day period, the Applicant shall provide the tentative results of the vote to all property owners by registered mail. During the next 15 calendar days following the date of the mailing, property owners may change their vote. Following the 15-day period, the results of the vote will be finalized and made public.</p> <p>Action 3: Upon consent from benefited receptors and property owners, the Applicant shall post a bond for the cost of the construction of the necessary mitigation as estimated by the City Engineer to ensure completion of the mitigation. The certificate of occupancy permits shall be issued upon posting of the bond or demonstration that 50% of the votes from responding benefited receptors oppose the abatement or, if the abatement is located on</p>						

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
private property, any property owners oppose the abatement (per Noise Study MM N-8, pg.53).						
4.12.6.2B Prior to issuance/approval of any building permits, the centerline of Cactus Avenue Extension will be located no closer than 114 feet to the residential property lines along Merwin Street. An alternative is to locate the roadway closer to the residences and provide a soundwall along Cactus Avenue Extension. The soundwall location and height should be determined by a Registered Engineer, and the soundwall shall be designed to reduce noise levels to less than 65 CNEL at the residences. The Engineer shall provide calculations and supporting information in a report that will be required to be submitted to and approved by the City prior to issuing permits to construct the road (per Noise Study, pg. 51, Cactus Avenue Extension, ID #50).	City Planning Division	Prior to the approval of a building permit	Prior to the issuance of any discretionary approvals for development in the WLCSP	Review and Approval of discretionary permits		Withhold Discretionary Permits
4.12.6.2C Prior to the approval of any discretionary permits, cumulative impact areas shown in the WLC EIR Noise Study shall be included in the soundwall mitigation program outlined in Mitigation Measures 4.12.6.2A and 4.12.6.2D (per Noise Study MM N-9, pg. 62).	City Planning Division	Once before issuance of building permits	Prior to issuance of building permits	Review and approval of soundwall mitigation program		Withhold Building Permit
4.12.6.2D Prior to issuance of a building permit, the applicant shall demonstrate that the development maintains a buffer with soundwall for noise attenuation at residential/warehousing interface (i.e., western and southwestern boundaries of the project site). To keep the noise levels at nearby residential areas less than typical ambient conditions, the warehousing property line shall be located a minimum of 250 feet from the residential zone boundary , and a 12-foot noise barrier shall be located along the	City Planning Division	Once before issuance of building permits	Prior to issuance of building permits	Review and approval of building plans		Withhold Building Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
perimeter of the property that faces any residential areas. The 12 foot noise barrier may be a soundwall, berm, or combination of the two. The height shall be measured relative to the pad of the warehouse. This requirement shall be implemented anytime residential areas are within 600 feet of the warehousing property line to insure that a noise level of 45 dBA (Leq) will not be exceeded at the residential zone. This requirement is consistent with Item 10 of Municipal Code Section 9.16.160 Business park/industrial that states, "All manufacturing and industrial uses adjacent to residential land uses shall include a buffer zone and/or noise attenuation wall to reduce outside noise levels" (per Noise Study MM N-10, pg.62).						
4.12.6.4A Prior to the issuance of building permits for projects within 1,300 feet of the Southern California Gas Company (SCGC) and San Diego Gas and Electric (SDG&E) blow-down facilities, documentation shall be submitted to the City confirming that sound attenuation devices and/or improvements for the blow-down facilities providing at least a 40 dB reduction in noise levels during blow-down events are available and will be installed for all planned blow-down events. It shall be the responsibility of the developer to fund all sound attenuation improvements to the blow-down facilities required by this measure. It shall also be the responsibility of the developer to coordinate with San Diego Gas and Electric and/or Southern California Gas Company regarding the installation of any sound attenuation devices or improvements on the blow-down facilities at either the San Diego Gas and Electric compressor station or the Southern California Gas Company pipelines. This measure	City Land Development Division	Once before Permitting	Prior to the issuance of building permits for projects within 1,300 feet of the SCGC and SDG&E facilities	Review and Approval of documentation confirming sound attenuation device		Withhold Building Permits

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
shall be implemented to the satisfaction of the City Land Management Division (per Noise Study MM N-11, pg.65).						
4.15 Traffic and Circulation						
4.15.7.4A A traffic impact analysis ("TIA") conforming to the guidelines for traffic impact analysis adopted by the City shall be submitted in conjunction with each Plot Plan application within the World Logistics Center Specific Plan. Prior to the approval of the Plot Plan, the City shall review the traffic impact analysis to determine if any of the traffic improvements listed in Final EIR Volume 2 Tables 4.15.AV through 4.15.BA (TIA Tables 74 through 79) of the traffic impact analysis prepared for the Program Environmental Impact Report are required to be completed prior to the issuance of a certificate of occupancy for each building. If the City determines that any of the improvements within Moreno Valley are required to be constructed in order to ensure that the traffic impacts which will result from the construction and operation of the building will be mitigated into insignificance, then the completion of construction of the improvements prior to the issuance of a Certificate of Occupancy for the building shall be made a Condition of Approval of the Plot Plan. Construction of improvements within the City shall be subject to credit/reimbursement agreement for those DIF and/or TUMF eligible costs. If the City determines that any of the improvements outside Moreno Valley are required to be constructed in order to ensure that the traffic impacts which will result from the construction and operation of the building will be mitigated to a less than significant level, then the payment of any necessary fair	City Engineer	Once before plot plan approval	Prior to plot plan approval	Review and Approval of sight specific TIAs		Withhold Building Permits

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
share contribution as prescribed in Mitigation Measure 4.15.7.4G prior to the issuance of a Certificate of Occupancy for the building shall be made a Condition of Approval of the Plot Plan. If the City determines that the traffic impacts which will result from the construction or operation of a building will be significantly more adverse than those shown in the Program Environmental Impact Report, further environmental review shall be conducted prior to the approval of the Plot Plan pursuant to Public Resources Code § 21166 and CEQA Guidelines § 15162 to determine what additional mitigation measures, if any, will be required in order to maintain the appropriate levels of service.						
4.15.7.4B As a condition of approval for individual development permits processed in the future under the World Logistics Center Specific Plan, the City shall require the dedication of appropriate right-of-way consistent with the Subdivision Map Act for frontage street improvements contained within the World Logistics Center Specific Plan Circulation Map, as shown in this Program EIR Figure 3-10 (or Figure 22 in the TIA prepared for this Program EIR). Required dedications shall be made prior to the issuance of occupancy permits for the requested development.	City Engineer	Once before issuance of occupancy permits	Prior to issuance of occupancy permits	Evidence of dedication of right-of-way in compliance with Subdivision Map Act		Withhold Occupancy Permits
4.15.7.4C As a condition of approval for individual development permits processed in the future under the World Logistics Center Specific Plan, the City shall require each project to pay the Development Impact Fee (DIF) as set forth in Municipal Code Chapter 3.42. Required DIF payments shall be made prior to the issuance of occupancy permits for the requested	City Engineer	Once before to issuance of occupancy permits	Prior to issuance of occupancy permits	Written verification of payment of DIF		Withhold Occupancy Permits

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
development.						
4.15.7.4D As a condition of approval for individual development permits processed in the future under the World Logistics Center Specific Plan, the City shall require each project to pay the requisite Transportation Uniform Mitigation Fee (TUMF) as set forth in Municipal Code Sections 3.55.050 and 3.55.060. Required TUMF payments shall be made prior to the issuance of occupancy permits for the requested development.	City Engineer	Once before to issuance of occupancy permits	Prior to issuance of occupancy permits	Written verification of payment of TUMF		Withhold Occupancy Permits
4.15.7.4E 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. For example, the intersection of Martin Luther King Blvd. and the I-215 northbound ramps (Intersection 85) in the City of Riverside was identified as a place where the World Logistic Center contributes to cumulatively significant impacts, and where the fair share contribution of the World Logistic Center project as a whole was	City Engineer	Once before to issuance of occupancy permits	Prior to issuance of occupancy permits	Written verification of payment of DIF or TUMF		Withhold Occupancy Permits

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

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Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance																																										
<p>computed to be 6.2%. If the City of Riverside establishes a fair share contribution program consistent with this Mitigation Measure 4.15.7.4F to improve that intersection, then when a certificate of occupancy is to be issued for a 2-million square feet high-cube warehouse in the World Logistic Center (approximately 5% of the entire World Logistic Center project) the amount of the fair share payment due from the Applicant to the City of Riverside would be computed as follows:</p> <table><tr><td>Amount Due</td><td>=</td><td>Total cost of Improvement</td><td>X</td><td>Total World Logistics Center fair share (6.2%) as determined by Traffic Impact Analysis</td><td>X</td><td>% attributable to the building that is subject to the certificate of occupancy (5%)</td></tr></table> <table><tr><td colspan="7">A x B x C = D</td></tr><tr><td colspan="7">A= % attributable to the building that is subject to the certificate of occupancy (5%)</td></tr><tr><td colspan="7">B= Total World Logistics Center fair share (6.2%) as determined by Traffic Impact Analysis</td></tr><tr><td colspan="7">C= Total cost of Improvement</td></tr><tr><td colspan="7">D= Amount Due</td></tr></table> <p>A similar calculation would be done for each</p>	Amount Due	=	Total cost of Improvement	X	Total World Logistics Center fair share (6.2%) as determined by Traffic Impact Analysis	X	% attributable to the building that is subject to the certificate of occupancy (5%)	A x B x C = D							A= % attributable to the building that is subject to the certificate of occupancy (5%)							B= Total World Logistics Center fair share (6.2%) as determined by Traffic Impact Analysis							C= Total cost of Improvement							D= Amount Due												
Amount Due	=	Total cost of Improvement	X	Total World Logistics Center fair share (6.2%) as determined by Traffic Impact Analysis	X	% attributable to the building that is subject to the certificate of occupancy (5%)																																										
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3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
subsequent building, with payments for each due at the time of issuance of the certificate of occupancy. As a result, while each building individually would not produce a significant impact, and therefore would not be required to pay any mitigation fees if considered by itself, the total amount of the payments for all of the buildings would be equal to the fair share payment for the entire World Logistic Center to the extent that the responsible jurisdiction has chosen to adopt a fair share contribution funding program consistent with Mitigation Measure 4.15.7.4F.						
4.15.7.4F The Applicant shall pay a portion of the fair share of the cost of traffic improvements identified in the Transportation Impact Analysis for those significantly impacted road segments and intersections for each warehouse building within the World Logistics Center if the impacted jurisdiction has established a fair share contribution program prior to the approval of a building-specific plot plan. The City shall determine whether a fair share program exists in the impacted jurisdiction and, if one does exist, require that the appropriate fees are paid by the Applicant, consistent with the requirements below, prior to the issuance of a certificate of occupancy for the building in question. If 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. The impacts are to be determined on a road segment or intersection basis. Nothing in this condition requires the payment of a traffic impact fee imposed by another jurisdiction which covers improvement to facilities where the project does not have a significant impact. Fair-share	City Engineer	Once prior to issuance of building permits for individual buildings.	Prior to issuance of occupancy permits	Written verification of payment of fair-share fees		Withhold Occupancy Permits

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
contributions will be determined on a building-by-building basis as a share of the impact of the Project as a whole (for each segment or intersection where the World Logistics Center project as a whole has a significant impact identified in the Programmatic Environmental Impact Report) as determined by the Traffic Impact Analysis and will be due as each certificate of occupancy is issued. The fair share payments for the significantly impacted road segments and intersections identified in the Programmatic Environmental Impact Report will be required even though the impact resulting from a specific building does not, by itself, cause a significant impact.						
4.15.7.4G 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.	City Engineer	On-going	Yearly starting with project up and ending with project buildout.	City Engineer provides quarterly updates to the City Council regarding TUMF funding priorities as it relates to the improvements identified in the traffic impact analysis.		None
4.16 Utilities and Services Systems						
4.16.1.6.1A Prior to approval of a precise grading permit for each plot plan for development within the World Logistics Center Specific Plan (WLCSP), the developer shall submit landscape plans that demonstrate compliance with the World Logistics Center Specific Plan, the State of California Model Water Efficient Landscape Ordinance (AB 1881), and Conservation in Landscaping Act (AB 325). This measure shall	Land Development Division/Public Works	Prior to the approval of a building permit	Prior recordation of Final Map	Review and Approval of Landscape Plans		Withhold Grading Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>be implemented to the satisfaction of the Planning Division. Said landscape plans shall incorporate the following:</p> <ul style="list-style-type: none"> • Use of xeriscape, drought-tolerant, and water-conserving landscape plant materials wherever feasible and as outlined in Section 6.0 of the World Logistics Center Specific Plan; • Use of vacuums, sweepers, and other “dry” cleaning equipment to reduce the use of water for wash down of exterior areas; • Weather-based automatic irrigation controllers for outdoor irrigation (i.e., use moisture sensors); • Use of irrigation systems primarily at night or early morning, when evaporation rates are lowest; • Use of recirculation systems in any outdoor water features, fountains, etc.; • Use of low-flow sprinkler heads in irrigation system; • Provide information to the public in conspicuous places regarding outdoor water conservation; and • Use of reclaimed water for irrigation if it becomes available. 						

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>4.16.1.6.1B All buildings shall include water-efficient design features outlined in Section 4.0 of the World Logistics Center Specific Plan. This measure shall be implemented to the satisfaction of the Land Development Division/Public Works. These design features shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> • Instantaneous (flash) or solar water heaters; • Automatic on and off water facets; • Water-efficient appliances; • Low-flow fittings, fixtures and equipment; • Use of high efficiency toilets (1.28 gallons per flush [gpf] or less); • Use of waterless or very low water use urinals (0.0 gpf to 0.25 gpf); • Use of self-closing valves for drinking fountains; • Infrared sensors on drinking fountains, sinks, toilets and urinals; • Low-flow showerheads; • Water-efficient ice machines, dishwashers, clothes washers, and other water-using appliances; • Cooling tower recirculating system where applicable; • Provide information to the public in conspicuous places regarding indoor water conservation; and • Use of reclaimed water for wash down if it 	Land Development Division/Public Works	Once before issuance of Building Permit	Prior to issuance of any building permit	Review and Approval of Building Plans		Withhold Building Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
becomes available.						
4.16.1.6.1C Prior to approval of a precise grading permit for each plot plan, irrigation plans shall be submitted to and approved by the City demonstrating that the development will have separate irrigation lines for recycled water. All irrigation systems shall be designed so that they will function properly with recycled water if it becomes available. This measure shall be implemented to the satisfaction of the City Planning Division and Land Development Division/Public Works.	City Planning Division Land Development Division/Public Works	Prior to the approval of a building permit	Prior recordation of Final Map	Review and Approval of Irrigation Plans		Withhold Grading Permit
4.16.1.6.2A Each Plot Plan application for development shall include a concept grading and drainage plan, with supporting engineering calculations. The plans shall be designed such that the existing sediment carrying capacity of the drainage courses exiting the project area is similar to the existing condition. The runoff leaving the project site shall be comparable to the sheet flow of the existing condition to maintain the sediment carrying capacity and amount of available sediment for transport so that no increased erosion will occur downstream. This measure shall be implemented to the satisfaction of the City Land Development Division/Public Works.	Land Development Division/Public Works	Once Concurrent with Plot Plan review and approval.	Prior to issuance of grading permit.	Review and Approval of Grading and Drainage Plans		Withhold Grading Permit.
4.16.4.6.1A Each application for a building permit shall include energy calculations to demonstrate compliance with the California Energy Efficiency Standards confirming that each new structure meets applicable Building and Energy Efficiency Standards. The plans shall also ensure that buildings are in conformance with the State Energy Conservation Efficiency	City Building and Safety Division and Planning Division	Once prior to issuance of building permit. Once during on-site inspection	Prior to issuance of building permit.	Review of construction documents and on-site inspection		Withhold Building Permit. Or Withhold Occupancy Permit

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>Standards for Nonresidential buildings (Title 24, Part 6, Article 2, California Administrative Code). This measure shall be implemented to the satisfaction of the Building and Safety and Planning Divisions. Plans shall show the following:</p> <p>Energy-efficient roofing systems, such as "cool" roofs, that reduce roof temperatures significantly during the summer and therefore reduce the energy requirement for air conditioning.</p> <p>Cool pavement materials such as lighter-colored pavement materials, porous materials, or permeable or porous pavement, for all roadways and walkways not within the public right-of-way, to minimize the absorption of solar heat and subsequent transfer of heat to its surrounding environment.</p> <p>Energy-efficient appliances that achieve the 2008 Appliance Energy Efficiency Standards (e.g., EnergyStar Appliances) and use of sunlight-filtering window coatings or double-paned windows.</p>						
<p>4.16.4.6.1B Prior to the issuance of any building permits within the World Logistics Center Specific Plan, each project developer shall submit energy calculations used to demonstrate compliance with the performance approach to the California Energy Efficiency Standards to the Building and Safety and Planning Divisions that shows each new structure meets the applicable Building and Energy Efficiency Standards. Plans may include but are not necessarily limited to implementing the following as appropriate:</p>	City Building and Safety Division and Planning Division	Once prior to issuance of building permit.	Prior to issuance of building permit.	Review of construction documents and on-site inspection		Withhold Building Permit.

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
<p>High-efficiency air-conditioning with electronic management system (computer) control.</p> <p>Variable Air Volume air distribution.</p> <p>Outside air (100 percent) economizer cycle.</p> <p>Staged compressors or variable speed drives to flow varying thermal loads.</p> <p>Isolated High-efficiency air-conditioning zone control by floors/separable activity areas.</p> <p>Specification of premium-efficiency electric motors (i.e., compressor motors, air handling units, and fan-coil units).</p> <p>Use of occupancy sensors in appropriate spaces.</p> <p>Use of compact fluorescent lamps in place of incandescent lamps.</p> <p>Use of cold cathode fluorescent lamps.</p> <p>Use of Energy Star exit lighting or exit signage.</p> <p>Use of T-8 lamps and electronic ballasts where applications of standard fluorescent fixtures are identified.</p> <p>Use of lighting power controllers in association with metal-halide or high-pressure sodium (high intensity discharge) lamps for outdoor lighting and parking lots.</p> <p>Use of skylights (may conflict with installation of solar panels in some instances).</p>						

3.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: World Logistics Center Specific Plan

Applicant: Highland Fairview

Date: May 2015

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Consideration of thermal energy storage air conditioning for spaces or hotel buildings, meeting facilities, theaters, or other intermittent-use spaces or facilities that may require air-conditioning during summer, day-peak periods.						
<p>4.16.4.6.1C Prior to the issuance of a building permit, new development shall demonstrate that each building has implemented the following:</p> <p>1) Install solar panels with a capacity equal to the peak daily demand for the ancillary office uses in each warehouse building;</p> <p>2) Increase efficiency for buildings by implementing either 10 percent over the 2008 Title 24's energy saving requirements or the Title 24 requirements in place at the time the building permit is approved, whichever is more strict; and</p> <p>3) Require the equivalent of "Leadership in Energy and Environmental Design Certified" for the buildings constructed at the World Logistics Center based on Leadership in Energy and Environmental Design Certified standards in effect at the time of project approval.</p> <p>This measure shall be implemented to the satisfaction of the Building and Safety and Planning Divisions.</p>	Building and Safety Division and Planning Division	Once before issuance of building permit.	Prior to the issuance of any building permits	Submittal of energy calculations that show compliance with the California Energy Efficiency Standards		Withhold Building Permit