



July 20, 2017

Mr. Richard Sandzimier, Planning Official
CITY OF MORENO VALLEY
Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

RE: MORENO VALLEY LOGISTICS CENTER EIR (EIR CASE P15-037; SCH No. 2015061040)

Dear Mr. Sandzimier:

T&B Planning, Inc. is the environmental consulting firm that prepared the Moreno Valley Logistics Center Environmental Impact Report (EIR) under the direction of the City of Moreno Valley Planning Division. This letter is prepared in response to the July 18, 2017 letter sent to the City by Abigail Smith on behalf of the Sierra Club and Residents for a Livable Moreno Valley. Each substantive point raised in Ms. Smith's letter is addressed below.

Comment 1: Foremost, despite comments from Sierra Club and Residents, the Environmental and Historical Preservation Board, and others objecting to a reduction in the setback buffer to a mere 100 feet, the application continues to propose a mere 100-foot setback adjacent to Indian Street proximate to existing housing. As noted by the Environmental and Historical Preservation Board, because the development of industrial uses would be in close proximity to housing, and because "[l]andscaping may be limited/ reduced due to drought tolerant design," maintaining a 300-foot setback adjacent to Indian Street is essential.

The response to this comment included that landscaping would comply with existing water efficiency requirements. But as global climate change worsens, as was evidenced by drought conditions throughout 2016, stricter water restrictions may be needed to continue to meet existing demand. Furthermore, plant diseases and agricultural pests are predicted to increase. The Project should account for potential water diversions from landscaping uses and other landscaping loss by retaining a 300-foot buffer from residential uses.

RESPONSE 1: The Project proposes a densely landscaped and mounded onsite buffer adjacent to Indian Street in lieu of a wider setback with no landscaping or mounding. Refer to Final EIR (FEIR) Figure 3-20 for a cross-section of the proposed 101-foot-wide setback that would extend from the Building 1 Site perimeter wall to the centerline of Indian Street (FEIR p. 3-28). On the opposite side of the centerline are the northbound travel lanes, sidewalk, vegetation, a chain link fence, a drainage channel, and perimeter wall, beyond which are residential homes (see photo at Figure 4.1-5, FEIR p. 4.1-19).

All plant material selected for Project's landscaping design, including plant material in the buffer area, is required to comply with the City of Moreno Valley Municipal Code Chapter 9.17, Landscape and Water Efficiency Requirements. Governor Edmund G. Brown Jr. ended the drought state of emergency in most of California in April 2017, while maintaining water reporting requirements and prohibitions on wasteful water use practices. There is no evidence to suggest that future drought conditions and/or climate changes,



should they occur, would result in diseases, pests, or lack of water specifically in the Project's landscape buffer.

Comment 2: The other excuses made in favor of an exception from the 300-foot setback requirement are similarly unpersuasive. First, that an exception was granted for the adjacent site is no justification. The Specific Plan Amendment that provided an exception for the Proctor & Gamble ("P&G") campus to a reduction of 100 feet was only for that site—the Specific Plan Amendment applied to no other properties within the Moreno Valley Industrial Area Plan. This is because, as commented by SoCal Environmental Justice Alliance, "This reduced setback is not representative of good planning practices." (Final EIR Comment F-6) The fact that one property was granted a poorly contrived exception to established setback requirements does not support the applicants' argument for further exceptions. This slippery slope argument must be rejected. Furthermore, the regular granting of exceptions to development standards can be tantamount to an improper amendment of the applicable land use document.

RESPONSE 2: The EIR objectively analyzes the Project's proposed edge condition at Indian Street. The EIR provides factual information for informed decision-making, and not "excuses." As set forth in the FEIR and summarized in FEIR Table ES-1, impacts to sensitive receptors located east of Indian Street with respect to aesthetics, air quality, health risks, and noise would be less than significant.

Comment 3: Second, to the extent the responses to comments allege an impact to 19 residences is not an impact to the environment, Porterville Citizens for Responsible Development v. City of Porterville (2007) 157 Cal.App.4th 885, 903, cited in the response, does not stand for such a claim. Rather, impacts to only few (one or two) people in the Porterville case was insufficient to rise to the level of an environmental impact. Here at least 19 households of individuals live directly across from the Project and would be impacted by the Project. Moreover, other nearby residences would be impacted by the over 6,000 vehicle trips/day, air pollutant emissions, noise, etc. The limitation expressed in Porterville thus does not apply.

Hence permitting a reduced setback is utterly unjustified by fact or law. To the contrary, the setback required by the Moreno Valley Industrial Area Plan is intended to provide adjacent residential uses some protection from a variety of environmental harms including noise impacts, greenhouse gases, vibration impacts, glare from the glass, and air quality issues such as diesel particulate matter and odors. The City should thus decline to permit any reduction of this buffer area.

RESPONSE 3: As described throughout the FEIR, the Project would not cause any direct or cumulatively considerable and unavoidable significant impacts to residential uses located directly east of Indian Street (FEIR Table ES-1). Potential impacts associated with noise, greenhouse gas emissions, vibration, glare, and air quality are evaluated in the FEIR and determined to be less than significant after the application of mitigation measures. For more information, refer to Final EIR Response to Comment B-2. (FEIR p. FEIR-5, 6.)

Comment 4: The Project Description includes an option for Building 2 to be developed as a 166-space trailer parking area. The assumption is that this use would be less intense and therefore have more limited impacts. This is not necessarily true as related to truck activity on the site and surrounding receptors (and localized air and noise impacts). The EIR should not assume an environmental benefit.



RESPONSE 4: The FEIR’s impact analyses, conclusions, and mitigation measures assume, based on predictable market factors, that the Building 2 Site would be developed with a light industrial building generating as many as 1,084 passenger car equivalent (PCE) daily trips (FEIR Table 4.11-18, p. 4.11-69). None of the FEIR’s impact conclusions assume that traffic or other vehicular-related impacts would be reduced by developing the Building 2 site as a parking lot. However, the likely outcome of using the Building 2 site as an auxiliary parking area for Building 1 would be a reduction in traffic due to the associated reduction in building square footage. Thus, the EIR overstates and in no way underestimates Project impacts.

Comment 5: The Project Description (FEIR, p. 3-26) states the Project will meet minimum LEED certified standards. This is unclear as written, and at the least, should be adopted as an enforceable condition of approval and/or through the Project’s mitigation program (“MMRP”).

RESPONSE 5: The Project is required by law to comply with the California Green Building Standards Code Title 24 (CALGreen). CALGreen is the nation’s first statewide mandatory green building code, and all permitted construction in California is required to follow its set of high-performance environmental strategies as standard practice. In comparison, LEED is the U.S. Green Building Council’s voluntary certification program. Many CALGreen requirements meet LEED thresholds, and some CALGreen requirements are even more stringent than LEED thresholds. As such, mandatory compliance with CALGreen negates the need for a mitigation measure to meet minimum LEED thresholds.

Comment 6: There is content buried in the traffic study (pp. 544-55) showing that the Project would include an amendment to the City’s designated truck routes for Indian Avenue, south of the driveway at the southeast corner of Building 1, if the bridge over the flood control channel is constructed. The City claims this is not part of the project. However, the City must evaluate this scenario as part of air quality, traffic and noise impacts to the extent this is a reasonably foreseeable change to the circumstances of the Project.

RESPONSE 6: The Indian Street bridge is a pending public capital improvement project. The timing of the Indian Street bridge installation is uncertain as the bridge is not currently funded. The FEIR properly analyzes impacts of the Project (traffic, air quality, noise) with and without future installation of the Indian Street bridge.

Comment 7: The excavation volume during project construction is nearly 4 times the fill volume. The preliminary grading plan shows calculations that make this miraculously balance. Please verify that grading will be balanced. If not, the assumptions of the air quality study could be incorrect and impacts understated.

RESPONSE 7: Based on information provided by the Project’s civil engineer and a review of the geotechnical report (FEIR Technical Appendix L), earthwork will balance onsite, taking into consideration raw cut volumes and accounting for compaction and shrinkage. The assumptions underlying the air quality study are correct.



Comment 8: MVMC Sections 9.10.050, 9.10.140, and 9.10.150 establish performance standards for air, noise, and odors. The Specific Plan also includes performance standards for air and noise (page III-17) that do not appear to be acknowledged in the EIR. These provisions should be addressed as thresholds. The Specific Plan air provisions refer to protection of outdoor uses, which is further support for the claim that the air and toxics analysis approaches are invalid.

RESPONSE 8:

MVMC Section 9.10.050 applies to building and other onsite operations. It states that “no operation or activity . . . shall cause the emission of any smoke, fly ash, dust, fumes, vapors, gases or other forms of air pollution which exceeds the requirements of the SCAQMD or the requirements of any air quality plan or general plan air quality element adopted by the city.” As identified in the EIR, the Project will not exceed any of the SCAQMDs localized significance thresholds or health risk thresholds (FEIR Table 4.3-9, p. 4.3-33; Table 4.3-10, p. 29, and Table 4.3-11, p. 4.3-30). As such, the Project is consistent with MVMC 9.10.050.

MVMC Section 9.10.140, applies a 55 dBA noise standard “at any one time beyond the boundaries of the property.” Table 9-3 of the Noise Study (FEIR Technical Appendix H) and EIR Table 4.10-10 (FEIR p.4.10-34) show that operational noise levels at all receiver locations would range from 24.4 to 46.6 dBA Leq, which satisfies the 55 dBA standard.

MVMC Section 9.10.150 prohibits the emission of emits odorous gases or other odorous matter in such quantities as to be dangerous, injurious, noxious, or otherwise objectionable . . . at or beyond the lot line of the property containing said operation or activity. As discussed in the FEIR, the Project would not result in less than significant odor impacts (FEIR pp. 4.3-36, 37). Furthermore, the Project would be subject to SCAQMD Rule 402, which also regulates odors, as specified in Mitigation Measure MM 4.3-20.

Comment 9: SCAQMD raised concerns about the assumptions used in health risk modeling, particularly with placement of receptors to the structure of residences, work, and schools rather than to the property line. The response to this comment states it is unlikely any person “would be outside on the property line for 70, 40, and 9 years.” (Response to Comment C-6) It is likewise unlikely any person would be only indoors for the duration of this timeframe and would not make use of the entire property, including outdoor areas. Furthermore, as SCAQMD is the agency with expertise in addressing air quality and health risks, the City should defer to its expert opinion in estimating health risks, especially where risks are very near the 10 cancer threshold of significance at an estimated 9.5 cancers per million.

RESPONSE 9: The Project’s Health Risk Assessment (HRA) (FEIR Technical Appendix B2) is based on appropriate methodology and concludes that the Project would result in less-than-significant impacts associated with toxic air contaminants. The HRA analyzes individual discreet receptors placed geospatially at nearby residences. Receptors were placed where an individual can reasonably be expected to remain for a 24-hour duration and where long-term exposure to air toxics could occur. There is no basis for placing receptors at the property line instead of the structure because the risk modeling is based on constant



outdoor exposure for 24-hours per day, 350 days per year, for a period of 70 years which is already extremely conservative. As such, it is unreasonable to assume that this long-term constant exposure would occur at the property line. The HRA properly analyzes exposure as it would reasonably be expected to occur at residential, workplace, and school structures. The City's air quality experts disagree with the assertions set forth in the comment.

Comment 10: The modeling for health risk impacts fails to utilize grid spacing of 100 meters across the sensitive receptor area, instead choosing to evaluate impacts at individual receptor locations. (See, "SCAQMD Modeling Guidance for Aermol," visited June 26, 2017 <<http://www.aqmd.gov/home/library/air-quality-data-studies/meteorologicaldata/modeling-guidance>>) Impacts may be greater and potentially significant at receptor locations not evaluated through the limited modeling in the EIR.

RESPONSE 10: See Response 9. The modeled locations represent the maximum impact any individual resident, business, or school would be exposed to. Because the maximum residential, worker, and school exposures have already been identified and evaluated in the FEIR, it unnecessary to include a 100-meter by 100-meter grid of receptors, because doing so would not yield any new meaningful information, or different results or conclusions already reported in the EIR. The City's air quality experts disagree with the assertions set forth in the comment.

Comment 11: SCAQMD also cited concerns with the effectiveness of proposed construction mitigation, and suggested implementation of a "step down" from Tier 4 plan for construction equipment. The final EIR did not provide evidence that implementation of a step-down policy for this Project would be infeasible, either technologically or fiscally.

RESPONSE 11: The primary feasibility issue with using Tier 4 construction equipment is the availability of compliant equipment from equipment suppliers and contractors. Availability of Tier 4 equipment cannot be ensured by the City or the Project Applicant. A review of data available from the California Air Resources Board's (CARB's) OFFROAD2011 Model shows that heavy duty off road construction equipment meeting Tier 4 emission standards account for only approximately 13% of the statewide fleet. With a low availability of Tier 4 compliant equipment, it would not be feasible to require all construction equipment to meet these requirements. Furthermore, the US EPA has provisions that allow construction fleets to defer converting to Tier 4 requirements until at least 2020 in some instances – further underscoring the lack of available Tier 4 compliant equipment. Lastly, even if the Project were to be constructed using all Tier 4 compliant equipment, it would not avoid or lessen construction-related air pollutant emissions to below a level of significance. If all construction equipment greater than 50hp was required to meet Tier 4 emissions standards, NOx emissions would total approximately 215 pounds per day which still exceeds the applicable threshold of 100 pounds per day. The City's air quality experts disagree with the assertions set forth in the comment letter.

Comment 12: The final EIR also rejects SCAQMD's suggested mitigation in the form of EV charging stations for both passenger vehicles and trucks. While the response argues EV truck technology is speculative, there is no similar basis cited for failing to include EV charging. Such vehicles are inarguably commercially available and in use. Charging



stations would reduce the Project's substantial GHG emissions.

RESPONSE 12: The Project is required to comply with the California Building Standards Code, which mandates the installation of electrical charging stations for passenger cars.

Comment 13: SoCal Environmental Justice Alliance recommended construction mitigation in the form of requiring no overlap of construction phasing and lengthening the construction timeline, i.e. phase 1 occur first and be fully completed before commencement of phase 2, etc. Where construction air quality impacts remain significant even after the mitigation incorporated in the EIR, this additional and facially feasible mitigation measure must be analyzed. Despite the implication of the Response to Comments, that construction impacts "do not exceed the peak levels disclosed in the DEIR" does not mean that such impacts have been mitigated below a level of significance. Consideration of this additional mitigation is consequently required.

RESPONSE 13: Due to the scale of the Project, it is necessary that some degree of overlapping construction activities to occur. The construction schedule disclosed and evaluated in the FEIR is conservative and reasonable. Mitigation Measure MM 4.3-2 establishes a cap on the maximum intensity of daily construction activities on the Project site. The cap is measured in horsepower-hours per day (i.e., the amount of horsepower for a piece of equipment multiplied by the numbers of hours in a day that piece of equipment is in operation). The City's air quality experts indicate that imposition this quantitative cap will better regulate daily emissions than would a requirement to avoid the overlap of construction phasing without a limit on.

Comment 14: Mitigation Measure 4.3-3 (a) and (h) send conflicting information to users of the Project regarding maximum allowed idling time. Subdivision (a) should be modified to state vehicle idling is limited to 3 minutes such that mitigation is certain and enforceable.

RESPONSE 14: Mitigation Measure MM 4-3-3 (a) contained a typo and will be corrected to indicate three (3) minutes.

Comment 15: Mitigation Measures 4.3-13, -14, -15 etc. require a model lease be provided to the City, but fail to require the variety of listed measures be included in any lease or sale and thereby implement the mitigation measures as Project operational requirements. As currently written, such mitigation is uncertain to occur and unenforceable beyond ensuring terms are included in the "model" lease.

RESPONSE 15: It is acknowledged that the City cannot enforce lease provisions between private parties. Further, the City has no legal right to request copies of signed lease agreements between private parties. These Mitigation Measures are included in the FEIR as a way to encourage air-quality friendly operational practices by private businesses that will occupy the Project site. The EIR's air emission calculations do not take credit for any air pollutant reductions that may result from complying with the provisions in private lease agreements.

Comment 16: Mitigation Measure 4.3-17 requires signs be installed directing trucks to the City's truck route. But the truck route would still permit trucks to pass by sensitive receptors and residential areas. This mitigation should be amended to require signs direct trucks to access the freeway via Harley Knox Boulevard in lieu of passing by residences located throughout the City. This information should also be verbally communicated to drivers accessing the site.

RESPONSE 16: Trucks are legally permitted to use designated truck routes. The City cannot restrict truck drivers from using any truck route based on the origin or destination of their trip.

Comment 17: Mitigation Measure 4.3-19 requires landscaping plans evidence adequate shade coverage by trees in automotive parking areas. Language should be added mandating that shade tree coverage be maintained/ replaced for the life of the Project, particularly where trees in the region have been hard hit by disease in recent years. ("The Trees that Make Southern California Shady and Green are Dying. Fast," April 19, 2017 ><http://www.latimes.com/local/california/la-me-dying-urban-trees-20170403-story.html>>) Further, all drive and parking areas onsite should be paved in concrete, not asphalt, to minimize any heat island effect onsite and to surrounding areas.

RESPONSE 17: Per MVMC Section 9.02.030, all landscaped areas are required to be maintained in a healthy and thriving condition. Compliance is ensured through City of Moreno Valley Code Enforcement. This requirement also is imposed as a Project Condition of Approval. The Project Applicant is proposing to construct all paved areas with concrete on the Building 1 Site.

Comment 18: Mitigation Measure 4.6-1 requires the roof area of each building be developed to support solar paneling, but no actual solar panels are proposed for the Project. Given the Project's significant GHG emissions (42,404.68 MTCO₂e/year) and electricity needs (15,535,696 kWh/yr), 1 MW of solar panels should be required for the Project.

RESPONSE 18: Building users are not yet identified for the Project site's buildings; thus, until the building occupants are known, it cannot be determined with any certainty what size or type of solar array would be appropriate, and useful for the occupant's electrical needs. Mitigation Measure MM 4.6-1 thus appropriate to accommodate the needs and requirements of the building occupants.

Comment 19: The EIR writes off GHG emissions on the basis that 86.6% are generated from mobile sources. But these emissions may be offset elsewhere by reductions in stationary source emissions as GHGs are a global, not local, emissions issue. Hence, reducing emissions through the installation of PV may act to substantially offset Project net GHG emissions.

RESPONSE 19: Mitigation Measure MM 4.6-1 requires that the roofs of all buildings be designed to support solar panels. Also refer to Response 18.

Comment 20: The HRA identifies a risk of 9.5 when the threshold of significance is 10 per million. In addition to this methodology issue, the assumption is that only approximately 60% of truck traffic will be large trucks. It is doubtful that this vehicle mix is realistic for a warehouse distribution complex. The cited study is not applicable to this Project with its particular use. Additionally, trip generation is based on the accepted ITE land use types. There is a problem with the trip distribution assumptions: only 59% of the trucks are routed to Buildings 1 and 2, while these two buildings create 73% of the project truck traffic. This is most readily apparent by comparing Figure 4-2 (2 of 2) in the traffic study to the Trip Generation Summary (Traffic Study Table 4-3). This affects not only the traffic analysis, but also results in underestimation of other impacts for the most impacted adjoining sensitive receptors.

RESPONSE 20: This comment refers to the health risk calculation based on the 2015 OEHHA guidelines, which, as discussed in the FEIR, is a severe overstatement of the Project's expected impact since diesel particulates do not have a primary mutagenic mode of action and therefore would not be subject to age-weighted factors. (FEIR pp. 4.3-23 and 4.3-35-36.) The FEIR also discloses the likely maximum risk of 6.06 in one million (FEIR Tables 4.3-10 and 4.3-11) based on analysis methodology recommended by the SCAQMD. The calculation of 9.5 based on the 2015 OEHHA guidelines was disclosed in the FEIR for information purposes only, and is not the methodology that the SCAQMD suggests in their guidelines (FEIR p. 4.3-23).

Regarding vehicle mix, there are no errors in the trip distribution assumptions, which are based on peak hour trips, not total daily trips. The HRA correctly assigned the daily truck trips associated with each building. As shown in Appendix 5.3 of the HRA, Buildings are assigned the following number of truck trips consistent with the daily number of trucks identified for each building commensurate with the Project's Traffic Impact Analysis (FEIR Technical Appendix I1)

Building 1: 865 truck trips

Building 2: 183 truck trips

Building 3: 145 truck trips

Building 4: 248 truck trips

The comment confuses the peak hour trip distribution with the total number of daily trips. The DEIR and HRA evaluate the correct number of trucks.

Comment 21: The HRA identifies a school located more than one mile away on Delphinium as the most impacted; the study ignores the two schools on Indian at Krameria, just .5 miles away from the Project, and, in fact, the more distant school appears to be more impacted as no truck traffic is distributed to Indian Avenue.

RESPONSE 21: The Project's HRA evaluates the two schools on Indian at Krameria as shown on Exhibit 2-G of the HRA. The maximum impact happens to occur at the Delphinium school due to meteorological and topographical conditions as modeled. The City's air quality experts disagree with the assertions set forth in the comment.



Comment 22: The HRA does not consider the cumulative risk from the P&G facility. Cumulative impacts seem to be addressed by adding Project emissions to the background MATES levels. The 2008 (approximate) HRA for the P&G project calculated a risk of 7.9/million for that project.

RESPONSE 22: The quantified cumulative risk rate is disclosed in EIR Tables 4.3-10 and 4.3-11. As stated in the FEIR and HRA, the background MATES IV data was published in 2015 and would include background risk from any existing conditions at that time (FEIR pp. 4.3-12, 13). As discussed in the HRA, as an extremely conservative measure to overstate rather than understate the potential risk impacts, the analysis assumes that the maximum impact from each related project overlaps and would occur at the same location in the Project vicinity for the receptor, worker, and school child exposure scenarios. As such, the overstated risk values do not ignore the P&G potential risk of 7.9 in one million. Nevertheless, even if the 7.9 in one million risk were to be added on top of the cumulative risk levels already reported in the HRA and EIR, the Project's significance conclusions would remain unchanged. The Project's health risk impact is less than significant because it falls below the 10 in one million threshold for direct and cumulatively considerable impacts. The City's air quality experts disagree with the assertions set forth in the comment.

Comment 23: The 300-foot requirement in the Specific Plan is a component of the industrial land use designation which limits maximum building sizes to 50,000 square feet with only indoor uses. Massive, trucking-oriented buildings are not permitted within the designated areas.

RESPONSE 23: The main east-facing wall of the Project's proposed Building 1 would be located approximately 350 feet from the nearest residential property east of Indian Street. The east wall of the building's office area would be located approximately 300 feet from the nearest residential property east of Indian Street.

Comment 24: Furthermore, the characterization of the reduced setback as being consistent with the P&G facility is dubious. Looking at the P&G building layout, it is obvious that where the P&G project has a similar interface with a residential neighborhood, it maintained a 250-foot setback, and has no truck docks. The 100-foot setback reduction for P&G was allowed adjacent to an area with much more limited existing residential use. In other words, there is no "precedent" for allowing a limited setback in relation to existing housing as claimed for the Project.

RESPONSE 24: The P&G building orients dock doors facing east, as does the proposed Project. Both the main east-facing wall of the P&G building and the Project's proposed Building 1 occur approximately 350 feet from the nearest residential property east of Indian Street. Like the P&G building, the east wall of proposed Building 1's office area would be located approximately 300 feet from the nearest residential property east of Indian Street.

Comment 25: The EIR fails to evaluate potential noise impacts against applicable standards. The EIR fails to evaluate construction noise increases over ambient levels, only looking at whether peak noise levels would exceed City General Plan thresholds. (See, Table 4.10-6) This means significant construction noise impacts through increasing ambient noise at adjacent sensitive receptors may remain unevaluated and unmitigated.



RESPONSE 25: After a review of the construction noise levels and ambient noise levels at the sensitive receiver locations, and assuming the peak reference noise level of all construction equipment is operating onsite at the closest point nearest offsite sensitive receptors (to represent a theoretical worst-case condition), the mitigated Project construction noise level increases over ambient conditions would approach 11.7 dBA Leq with the temporary noise barriers required by Mitigation Measure MM 4.10-2. This increase would satisfy the 12 dBA Leq Caltrans substantial increase threshold. Impacts would be less than significant with mitigation as disclosed in the FEIR. The City's noise experts disagree with the assertions set forth in the comment.

Comment 26: As discussed above, MVMC Sections 9.10.050, 9.10.140, and 9.10.150 establish performance standards for air, noise, and odors. The Specific Plan also includes performance standards for air and noise (page III-17) that do not appear to be acknowledged in the EIR. These provisions should be addressed as thresholds.

RESPONSE 26: Refer to Response 8 regarding compliance with the cited MVMC Sections. The performance standards listed on Page III-17 of the Specific Plan are materially the same as those of the MVMC.

Comment 27: The EIR also evaluates construction noise in a vacuum without consideration of construction noise additions to the ambient noise environment. In other words, the EIR considers only equipment noise and attenuation, not how equipment noise will contribute to the already unacceptably high ambient noise levels in the area. (Table 4.10-6, see also, Table 10-1) By so limiting its assessment, the EIR fails to disclose and adequately mitigate for impacts from construction noise.

RESPONSE 27: Refer to Response 25.

Comment 28: In addition, nighttime construction noise impacts were improperly considered against daytime levels at Table 4.10-8, see footnote 6. Several receivers will experience noise above nighttime standards. Construction noise impacts should be found significant at night. Additional mitigation is needed to reduce or avoid construction noise impacts.

RESPONSE 28: Nighttime construction noise levels will be less than significant and fall below the 60 dBA Leq nighttime noise threshold. The footnote of FEIR Table 4.10-8 should have referred to the nighttime threshold of 60 dBA Leq. The City's noise experts disagree with the assertions set forth in the comment.

Comment 29: The EIR traffic noise analysis fails to evaluate whether Project traffic noise will exceed City General Plan thresholds, looking only at noise increases over existing levels. As evidenced in the noise tables, the Project will contribute to and cause exceedances of the residential 65 dBA along roadways used by the Project. These impacts should be found significant. The EIR should evaluate whether additional mitigation in the form of installing rubberized asphalt, repaving, implementing noise reducing vehicle technology, or by other means may be available to reduce or avoid traffic noise impacts.



RESPONSE: 29. The off-site traffic noise analysis provided in the FEIR and Noise Study (FEIR Technical Appendix H) identifies noise level increases above General Plan land use compatibility thresholds due to cumulative development, however, the Project's contribution to those increases is calculated to be less than significant and less than cumulatively considerable. The Project's maximum noise contribution under all scenarios are calculated to be 0.8 dBA or less along all study area roadway segments (FEIR Tables 4.10-13, 4.10-14, 4.10-15 and 4.10-16). The City's noise experts disagree with the assertions set forth in the comment.

Comment 30: Finally, projected truck traffic on Krameria between Cosmos Street and Indian Avenue is understated by 14%. The noise analysis for traffic and for truck operations at Building 1 must be corrected.

RESPONSE 30: Refer to Response 20. The commenter confuses the peak hour trip distribution with the total number of daily trips. There are no errors in the trip distribution assumptions, which are based on peak hour trips, not total daily trips. Regardless, truck traffic on Krameria Avenue between Cosmos Street and Indian Avenue is traveling adjacent to the Project site and the existing industrial use north of Krameria Avenue, and industrial uses on these properties are not noise-sensitive. The City's traffic and noise experts disagree with the assertions set forth in the comment.

Comment 31: The EIR relies on the Fontana Trip Generation study for estimates of Project vehicle and fleet mix. The Fontana Trip Generation study was extremely limited and is outdated. SCAQMD has recently undertaken numerous warehouse studies and can provide a more accurate breakdown of truck type by axle based on regional warehouses. A truck mix of 22.0% 2-axle trucks, 17.7% 3- axle trucks, and 60.3% - 4 axle trucks should be used. (SCAQMD Warehouse Truck Trip Study, July 14, 2014; SCAQMD Warehouse Truck Trip Study Data Results and Usage, June 2014 < http://www.aqmd.gov/docs/defaultsource/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finalielc_6-19-2014.pdf?sfvrsn=2>.)

RESPONSE 31: Regarding the vehicle and fleet mix, only the smaller Buildings 2, 3, and 4 were modeled based on the Fontana Trip Generation Study. Building 1, the proposed high cube warehouse building, was modeled using SCAQMD recommendations for this land use type. According to the City's traffic experts, the Fontana Trip Generation Study is the best source of information available about fleet mixes for industrial buildings in the Inland Empire, with the exception of high cube warehouses. The Fontana Study was a robust study with a large sample size of industrial buildings specific to Southern California and has the best data available pertaining to vehicle mixes because it breaks down truck fleet mixes by axle types, whereas the ITE Trip Generation Manual does not specify truck mixes by axle type. The SCAQMD and NAIOP studies look at subcategories of the high cube warehouse use, including the subcategories of Transload, Short-Term Storage, Cold Storage, Fulfillment, and Parcel Hub. For the later three subcategories (Cold Storage, Fulfillment, and Parcel Hub) there is very limited data available and NAIOP acknowledges that the study results are thus not reliable due to the small sample size. In comparison, the SCAQMD and NAIOP studies sampled approximately 91 sites for Transload and Short-Term Storage facilities, and thus the data is much more reliable for these subcategories due to the larger sample size. Based on the results of the study, ITE trip generation rates for the high cube warehouse land use are higher

and more conservative than the SCAQMD and NAIOP study results for Transload and Short-Term Storage users. Thus, based on available data, the ITE Trip Generation Manual's trip rate is the most reliable and conservative data source available, which was used in the Project's Traffic Study and the FEIR. SCAQMD's recommendation for fleet mix by axle type cited in the comment was applied by the Traffic Study for Building 1 and relied upon in the FEIR analysis (FEIR Table 4.11-18, p. 4.11-69).

Comment 32: And even assuming the study uses the breakdown of truck type per SCAQMD, there is still a major problem with the trip distribution assumptions, as discussed above. Only 59% of the trucks are routed to Buildings 1 and 2, while these two buildings create 73% of the project truck traffic. This is most readily apparent by comparing Figure 4-2 (2 of 2) in the traffic study to the Trip Generation Summary (Traffic Study Table 4-3). This affects the conclusions of the traffic analysis.

RESPONSE 32: Refer to Response 20. The commenter confuses the peak hour trip distribution with the total number of daily trips. There are no errors in the trip distribution assumptions, which are based on peak hour trips, not total daily trips.

Comment 33: The Project design includes narrow driveways to keep trucks from directly accessing Krameria and Indian Avenue (as they did for P&G, along with signs to define truck routes). But the Project traffic counts still show trucks using Indian and Krameria Avenue (east of Cosmos), so it is clear that narrow driveways and signs are not effective for existing warehouses in the area. Enforceable improvements and measures are needed to keep the Project trucks out of the adjacent residential areas.

RESPONSE 33: Based on the Project's design, it would be physically impossible for trucks to make a right turn out of the Project site and onto eastbound Krameria Avenue. Any large trucks traveling east on Krameria east of Cosmos under existing conditions may be due to a driver error or wrong turn. Based on existing traffic count data reported in the Project's Traffic Study for Krameria Avenue east of Cosmos, only 2.3% of the AM peak hour traffic and 1.5% of the PM peak hour traffic was attributable to trucks, and all such trucks were 2-axle (smaller delivery type trucks). No Project truck traffic will occur on Indian Street between Krameria Avenue and southern portion of the Project site. If the Indian Street bridge is constructed over the channel, any trucks that may exit the Project's southernmost driveway at Indian Street would be restricted to a right-hand turn to travel south on Indian Street (FEIR Figure 4.11-10, p. 4.11-112 and Figure 4.11-12, p. 4.11-116).

Comment 34: Figure 4.10-11 (FEIR pp. 4.11-111) has an error on the truck distribution for Heacock between Krameria and Cactus (shows 60%, but should be 70%). It is unclear whether this error is carried through into the air quality, traffic, and noise models. Also, the truck distribution only 59% of the trucks being routed to Buildings 1 and 2, while these two buildings create 73% of the Project's truck traffic. This is most readily apparent by comparing Figure 4-2 (2 of 2) in the traffic study to the Trip Generation Summary (Traffic Study Table 4-3). This affects not only the traffic analysis, but also results in underestimation of air and noise impacts for the most impacted adjoining sensitive receptors.



RESPONSE 34: It is acknowledged that there is a typographical error on FEIR 4.10-11. The Project's percentage of truck traffic on Heacock Street between Krameria and Cactus was accurately modeled at 70%. Refer to Response 20 regarding truck distribution by building; there are no errors in the trip distribution assumptions, which are based on peak hour trips, not total daily trips.

Comment 35: The attached October 2016 ITE study commissioned by SCAQMD and NAIOP (Exhibit "A" hereto) documents the wide variation in trip characteristics for the different end users of these massive industrial warehouse uses. When the user is identified or changes, the EIR should contain an enforceable condition requiring an evaluation of the comparative trip rates and traffic-related impacts (on-site and off-site) before a certificate of occupancy is issued.

RESPONSE 35: The Project's Traffic Study relies on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, which is the most widely used source of trip generation information for development projects. The Traffic Study applies the ITE's light industrial trip rate for the smaller Buildings 2, 3, and 4, and ITE high cube warehouse trip rate for the larger Building 1 as explained in detail in Response 31. Impacts are calculated and mitigation is applied accordingly. The City does not monitor trip generation of private enterprises after building occupancy.

Comment 36: The layout for Building 1 requires that all trucks entering the east docks move through unwallled areas at the north and south end of the site. It is not clear that truck movements on the site are adequately considered in the Project's noise analysis.

RESPONSE 36: Onsite truck movement operations are considered in the Noise Analysis.

Comment 37: The Specific Plan includes a multi-use trail along the flood control channel throughout the Project limits. The only mention of this trail with regard to the Project is a claim that the Project does not interfere with or preclude future implementation.

RESPONSE 37: A multi-use path along the channel is contemplated in the City's Bicycle Master Plan, but not by Specific Plan 208. The trail would occur on Riverside County Flood Control property, and not on private property associated with the proposed Project.

Comment 38: The City should require this Project to install the trail since it runs along the Project site. This trail could serve as path of travel for non-motorized vehicles to aid in trip reduction. Moreno Valley should support and require of projects opportunities for use of alternative modes of transportation to help offset the mobile emissions.

RESPONSE 38: Refer to Response 37.



Based on the comments and the responses provided above, there are no changes needed to the analyses contained in the FEIR. The FEIR is fundamentally adequate, and all of the conclusions presented in the FEIR are supported by evidence provided within the FEIR, its Technical Appendices, and/or the administrative record for the proposed Project. Based on the foregoing, recirculation of the FEIR is not warranted according to the guidance set forth in § 15088.5 of the CEQA Guidelines.

Sincerely,

T&B PLANNING, INC.

A handwritten signature in black ink that reads "Tracy Zinn". The signature is written in a cursive style with a large, looping 'Z' and 'n'.

Tracy Zinn, AICP
Principal