



Sent By E-mail

November 3, 2017

Mr. Richard Sandzimier, Planning Official  
City of Moreno Valley Planning Division  
14177 Frederick Street  
Moreno Valley, CA 92553

**RE: RESPONSE TO COMMENT LETTER FROM MR. LEO GONZALEZ REGARDING MORENO VALLEY LOGISTICS CENTER  
EIR (EIR CASE P15-037)**

Dear Mr. Sandzimier:

T&B Planning, Inc. is the environmental consulting firm that prepared the Environmental Impact Report (EIR) for the Moreno Valley Logistics Center project (hereafter “the Project”) under the direction of the City of Moreno Valley Planning Division. This letter is prepared in response to the letter submitted to the City of Moreno Valley City Council on September 5, 2017, by Mr. Leo Gonzalez. Numbered responses are provided on the following pages that correspond to each of the substantive comments from Mr. Gonzalez’ letter which is provided as an attachment hereto (substantive comments are bracketed and numbered for reference).

1. A project’s development characteristics and context, including but not limited to its land uses, scale, location, construction and operational details and time horizons, are critical to determining its significant environmental effects and identifying feasible mitigation measures. Although the proposed Moreno Valley Logistics Center project and the project referenced by Mr. Gonzalez (World Logistics Center) include similar land uses, the contexts and characteristics of the two projects are vastly different. The World Logistics Center project has an immense scale (approximately 40.5 million square feet of development) and is located in an area of Moreno Valley that was originally intended for residential land uses and open space. Indeed, the World Logistics Center required extensive general plan and zoning amendments to accommodate the project. In comparison, the proposed Moreno Valley Logistics project proposes 96% less building area than the World Logistics Center project and is located in an area of Moreno Valley that has been planned for industrial land uses for almost 30 years. That is to say, unlike the World Logistics Center that required extensive general plan and zoning changes, the Moreno Valley Logistics project has been authorized and indeed encouraged under the decades-old Moreno Valley Industrial Area Plan. Further, the World Logistics Center is a legislative-level approval; no specific building plans are yet approved and the first phase is not expected to be operational until approximately 2022 (and it is possible that date may be pushed back given the on-going litigation).

In comparison, the Moreno Valley Logistics Center project proposes plot plans for four specific buildings with an opening year of approximately 2019 for its first phase. CEQA requires mitigation measures to be “roughly proportional” to a project’s level of impact (see CEQA Guidelines § 15126.4(a)(4)(B). The City of Moreno Valley determined that the mitigation measures assigned to the Moreno Valley Logistics Center project in compliance with the CEQA Statutes and Guidelines are appropriate, or “roughly proportional,” given the Project’s development context and characteristics and its level of impact to the environment. The standards to which Mr. Gonzalez references for World Logistics Center are those included in the World Logistics Center Specific Plan, and that were actually proposed by the developer of the World Logistics Center, which does not apply to the proposed Moreno





Valley Logistics Center project. The Moreno Valley Logistics Center project is instead located within the Moreno Valley Industrial Area Plan, which was proposed by the City (and not the developer) and which contains a wholly different set of development standards.

2. Experts in the fields of air quality and noise analyses evaluated the Project's potential to expose nearby sensitive receptors to substantial adverse air quality and noise effects. The experts determined that the Project – with the proposed 100-foot setback along Indian Street – would not expose any sensitive receptors, including residences east of Indian Street, to significant localized air quality or noise effects. The results of the experts' studies are summarized in the Final EIR and documented in reports appended to the Final EIR as *Technical Appendices B1, B2, and H*. Further, the Moreno Valley Logistics Center Project proposes building plot plans that were specifically evaluated by these reports, whereas World Logistics Center is a legislative Specific Plan approval that did not include the approval of any specific building placements.

3. As a point of clarification, the Solar Commitment requirement is specified in the World Logistics Center Specific Plan (see World Logistics Center Specific Plan, Section 12.7, p. 12-2), and as such it is a design feature of that project's legislative Specific Plan approval. In comparison, there is no requirement for roof-top solar systems specified in the Moreno Valley Industrial Area Plan (Specific Plan 208), which is City-sponsored (and not developer-sponsored) the Specific Plan applicable to the Project site. Regarding solar use on the Moreno Valley Logistics Center project, 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 is included in the EIR that states: "Prior to issuance of a building permit, the City of Moreno Valley shall verify that the roofs for Buildings #1, #2, #3, and #4 are designed to support solar panels. The entire roof area of each building is not required to support panels; the portion of the roof that is to support panels shall be determined by the City and the building's architect at time of building design and building permit issuance." Additionally, due to the proximity of the Project site to March Air Reserve Base and in consideration of feedback from the Department of the Air Force and the Riverside County Airport Land Use Commission (ALUC), the City of Moreno Valley has not mandated that solar panels be installed because of concerns over potential glare/reflections from the panels affecting air traffic operations at the Base. Because final design plans for the proposed Project's buildings would only become available if/when the Project is approved, the City cannot make a determination that it is feasible, with present technology, to construct roof-top solar systems for the Project that would be permissible by the ALUC. The Final EIR includes performance-based mitigation measures related to the potential design of any roof-top solar system on the Project site (refer to Mitigation Measures 4.1-1 and 4.1-2) so as to not preclude installation of a roof-top solar system if/when it is demonstrated to be feasible and appropriate for the Project. Any roof-top solar system for the Project will require design review/approval by the City of Moreno Valley, the United States Department of the Air Force, and the Riverside County ALUC. Regarding the use of other technologies to reduce electricity usage, the Project would be subject to the California Building Standards Code (CalGreen), which mandates the use of many feasible energy efficiency features.

4. As a point of clarification, the Engine Restrictions requirement is specified in the World Logistics Center Specific Plan (see World Logistics Center Specific Plan, Section 12.2, p. 12-1), and as such it is a design feature of that project's legislative Specific Plan approval. In comparison, there are no engine restrictions specified in the Moreno Valley Industrial Area Plan (Specific Plan 208), which is the Specific Plan applicable to the Project site. By January 1, 2023, all heavy-duty trucks in California will be required by State law pursuant to the California Air Resources



Board Truck and Bus Regulations to have 2010 model year engines or equivalent (see California Code of Regulations Title 13, Section 2025). Given that the opening year for World Logistics Center is projected to occur in sometime in year 2022, its Specific Plan Engine Restriction requirement is a repetition of the state law that will be in effect less than one year later. In comparison, the proposed Moreno Valley Logistics Center project has a projected opening year of 2019, which is approximately four years prior to the engine restriction being enforced by State law. As described in detail in the report titled *Assessment of 2010 Truck Engine Standards* prepared by Urban Crossroads, Inc. and included in the proposed Project's public record, only approximately 50 percent of all trucks operating in the southern California region today have 2010 model year engines or equivalent. If the Project is approved, it is expected to be operational in approximately 2019 –four years before the statewide diesel fleet is required to meet 2010 standards. Because a majority of the diesel-fueled trucks on the road today do not yet meet 2010 standards and because it is not feasible to effectively monitor and enforce the fleet operations of private business building tenants (and the tenants' subcontractors), the City determined that it is not feasible to restrict access to the Project to only trucks that meet 2010 standards prior to this requirement being mandated by State law on January 1, 2023.

5. As explained in the Final EIR, Tier IV equipment only accounts for 13 percent of California's construction fleet (refer to Response C-8 on Page FEIR-14). Furthermore, the US EPA has provisions that allow construction fleets to defer converting to Tier IV requirements until at least 2020 in some instances – further underscoring the lack of available Tier IV-compliant equipment. Because Tier IV equipment is not widely available today, the City determined that it would be infeasible to require the Project to use solely Tier IV equipment during construction. (It is worth noting that although the World Logistics Center project is required to use Tier IV construction equipment, the World Logistics Center project is not expected to begin construction for several years – when Tier IV equipment is expected to be more widely available.) Notwithstanding, the Final EIR includes mitigation that does require the Project to use Tier IV equipment during construction and also establishes a cap on the amount of non-Tier IV construction equipment that can be used on any given day (which incentivizes the Applicant to utilize as much Tier IV equipment as they can obtain, refer to Mitigation Measure 4.3-2). Based on the scope of the Project's construction activities, the City determined that the mitigation measures included in the Project's Final EIR are appropriate and roughly proportional to its level of impact.

6. Mr. Gonzalez' interpretation of the Project's Final EIR is incorrect. The Final EIR requires the Project to pay fair-share fees for cumulative traffic impacts to traffic facilities under the jurisdiction of the City of Moreno Valley, March Joint Powers Authority, and City of Perris (refer to Mitigation Measures 4.11-9, 4.11-10, and 4.11-11). In the event that Caltrans prepares a valid study that identifies improvements to freeway facilities that are cumulatively affected by the Project – and the cost of the needed improvements – the Project also would be required to pay fair-share fees to Caltrans (refer to Mitigation Measure 4.11-12).

7. As described in the Final EIR, the Project: is required to install electrical charging infrastructure within its truck courts to facilitate the implementation of electric yard equipment (see Mitigation Measure 4.3-16); is required to post signs that set limits on idling to three (3)-minutes (see Mitigation Measures 4.3-4 and 4.3-11); and is required to install electrical hook-ups at dock doors in the event that Project buildings contain cold storage (see Mitigation Measure 4.3-18).



8. As demonstrated by the foregoing responses, the mitigation measures applied to the Moreno Valley Logistics Center project are responsive to the findings of the Project's EIR and are proportionate to the Project's level of impact.

Sincerely,

T&B PLANNING

A handwritten signature in black ink that reads "Tracy Zinn". The signature is written in a cursive style and is contained within a thin black rectangular border.

Tracy Zinn, AICP  
Principal

COMMENT LETTER

September 5, 2017

Richard Sandzimier  
Planning Official-Planning Division  
City Council of Moreno Valley  
14177 Frederick Street  
Moreno Valley, California 92553

SUBJECT: Moreno Valley Logistics Center

Dear Mr. Sandzimier:

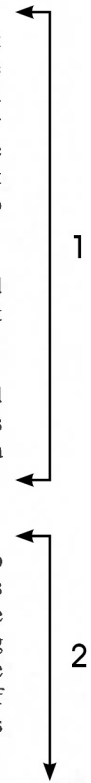
I am a long-time resident of Moreno Valley and over the past few years I have watched with great interest the city's efforts to aggressively pursue new businesses and development so we can bring more jobs to our city. I support this effort, but I want to make sure we minimize the impact any project would have on the environment. I am very concerned that yet again, we apply different standards in our city to similar projects with similar impacts. The city should apply the highest possible mitigation and be consistent in their application. The city is undermining its own credibility when the city is inconsistent in its own EIRs for similar projects with similar impacts. This is exactly the case with the Moreno Valley Logistics Center project (WLC).

Moreno Valley has established a high standard for logistics development in protecting its residents and the environment. Moreno Valley Logistics Center project should be expected and required to at least meet or exceed the same standards imposed by the city on the World Logistics Center.

I have scrutinized the mitigation measures imposed by the city on World Logistics Center and compared them to those proposed for the Moreno Valley Logistics Center project. The Moreno Valley Logistics Center project mitigations are entirely inadequate and are well below the WLC standards. I've listed a few areas where the project needs to improve its mitigation:

Setbacks

Staff is supporting the project's proposal to amend the Moreno Valley Industrial Area Plan to allow a reduction in the setback from adjacent residential areas, from 300 feet to 100 feet. That's a very large reduction, placing existing residences that much closer to the noise and pollution the project will bring. The rationale for the significant setback reduction is that the adjacent building was allowed to do it several years ago. Why is it acceptable to repeat the same mistake? The World Logistics Center project approved two years ago, was required by the city to a setback of 250 feet from the residential projects or 2½ times what is being proposed with this project. It was required as a minimum mitigation measure to



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protect the residents adjacent to the proposed buildings at the WLC which have the exact same use and function. Moreno Valley Logistics Center should be required no less.

2 Cont.

Solar power

Mitigation Measures on the World Logistics Center project require the construction and operation of roof-top solar systems large enough to power all “ancillary office space” in all warehouse buildings in the WLC in addition to requiring all roofs to be solar ready. Implementing roof-top solar systems will result in a substantial reduction in energy consumption and greenhouse gases. In contrast, the City does not require the construction of any solar energy systems in the Moreno Valley Logistics Center. The project is required only to provide some yet-to-be-determined portion of its building roofs that “could” accommodate the possible, future construction of such a system. There is no requirement that any solar power systems ever be installed anywhere in the project. Roof-top solar is a feasible mitigation measure to offset the energy demands and greenhouse gas emissions of a project. This project must make a commitment to roof-top solar systems to offset its impacts. In addition, the project did not explore all other feasible mitigations to reduce electrical use such as use of hybrid power, solar power water heaters, geothermal heat sinks, roof top ice units and other sustainable types of energy conservation.

3

Trucks

One of the most significant issues associated with logistics facilities is how diesel truck emissions are mitigated. Mitigation Measures applied to the World Logistics Center project required all trucks meet 2010 engine emission standards which are the highest standards available. If the city determined that it is viable at the World Logistics Center, it must do the same for this project? According to the City’s World Logistics Center EIR, the use of 2010 trucks is a feasible and will; produce significant reduction in truck emissions. In comparison, the Mitigation Measures applied to the Moreno Valley Logistics Center only requires that logistics operators “encourage” tenants to use 2010 trucks for only their own fleets, and imposes no requirement to monitor performance of this “requirement.” There are no requirements to restrict any third party or non-fleet trucks to a 2010 standard or monitor their access to the project. The project dismissed the use of 2010 trucks as something that would happen in 5 years anyway so no need to require on the project now. Requiring 2010 trucks with the project approval is a feasible mitigation measure and must be required.

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Tier 4 construction equipment

Emissions from construction equipment have a significant impact on the air quality and the environment. Tier 4 engines are currently the cleanest available technology in construction equipment and I know such equipment is readily available in the marketplace. Again, the City required the World Logistics Center project d to use all Tier 4 construction equipment, the Moreno Valley Logistics Center project is specifically allowed to substitute dirtier engines in place of Tier 4 equipment. Tier 4 equipment is a feasible mitigation measure and available for all types of equipment including the large earth movers. To say only a small percentage are available or is not financially feasible is inconsistent with the city's own conclusions and determination made in the WLC EIR. If it is feasible at the WLC in Moreno Valley projects, it must be feasible at this project. No financial feasibility has been provided in the projects EIR to arrive at the conclusion that it is not feasible.

5

Fair-share contribution to mitigation of regional impacts

The project EIR indicates that impacts will occur to regional circulation facilities but indicates that "... there are no other feasible Mitigation Measures that would avoid or reduce the Project's cumulatively considerable traffic impacts that would have a proportional nexus to the Project's impact." The mitigation measures in the EIR for the World Logistics Center project contains a number of Mitigation Measures that mitigate precisely this issue. Requiring fair-share contributions is a feasible mitigation measure and must be implemented for this project.

6

These are but a few examples that I believe could be imposed on this project. Has the project agreed to use of all electric yard equipment and limited idling to 3 minutes and electrical hook ups at all dock doors. It would seem that if the City determined it feasible in one project it must be feasible. If we are going to support warehousing in our community, then let's do it to the highest standards possible so that we ensure these projects are mitigating the same for their impacts on the environment and our community.

7

The City Council needs to carefully consider the proposed Moreno Valley Logistics Center project and hold to the standards that they have set for other projects, like the World Logistics Center or even higher. I believe that the environmental laws require that the City apply all feasible mitigations to address a project's impacts. That has not been done here. The City needs to continue its efforts to establish Moreno Valley as a leader in environmental protection and sustainability, as well as a great place to do business which it has proven with other similar projects as the Skechers facility and the WLC.

8

Sincerely,



Leo Gonzalez

Moreno Valley Residents for Environmental Sustainability