

RESOLUTION NO. 2009-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P07-157), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE HIGHLAND FAIRVIEW CORPORATE PARK PROJECT, GENERALLY LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, on February 3, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the proposed project, which includes a tentative parcel map to subdivide a 158 gross acre site (265.3 acres including offsite improvements and drainage) into four buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication) with a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres, and a total of approximately 2,620,000 square foot of building for all phases of development. The project also includes related offsite improvements and drainage. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) to allow the proposed industrial structures and a General Plan Amendment to move a planned multi-use trail from the south side to the north side of future Eucalyptus Avenue (Fir Avenue), eliminate a planned multi-use trail along the Sinclair Street alignment over Highway 60, and the adjustment of parcel lines and land use for two parcels located in the CC land use district, and to consider all environmental documentation;

WHEREAS, the project includes applications for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), phasing (P08-057) tentative parcel map (PA07-0090) and a plot plan (PA07-0091). All are related but will be included in separate resolutions with individual findings and shall not be approved unless the Environmental Impact Report (P07-157) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on August 5, 2008, while the review period ended on September 19, 2008. A Final EIR, (including the Draft EIR dated August 4, 2008, and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on January 8, 2009, the Planning Commission conducted a public

hearing to consider the proposed project, or the Highland Fairview Corporate Park project consisting of a tentative parcel map to subdivide a 158 gross acre portion of land into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.), and a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres and a total of approximately 2,620,000 square foot of building for all phases of development, and a related Change of Zone and General Plan Amendment, and to consider environmental documentation in its final form;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and forwarded the project to the City Council for consideration;

WHEREAS on February 3, 2009 and February 10, 2009, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

WHEREAS, the draft and final EIR concerning the proposed Highland Fairview Corporate Park Project were prepared in sufficient detail and duly circulated in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Moreno Valley Rules and Procedures to Implement CEQA;

WHEREAS, the comment period for the draft Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project began on August 5, 2008, while said document was circulated for a 45 day period to the public and to responsible agencies for comments, concluding on September 19, 2008;

WHEREAS, on December 19, 2008, the City published a Notice of Availability in the local newspaper (Press Enterprise), posted the Notice of Availability at the Riverside County Clerk's office, and distributed copies of the draft Final EIR to the State Clearinghouse, local agencies and other interested parties;

WHEREAS, since August 5, 2008, copies of the draft EIR have been made available to the public at the City's offices, on the City's website and at the City's public library;

WHEREAS, the final public comment period closed on September 19, 2008, and the City has prepared responses, which have been included in the Final EIR, to all comments received by that date and through the month of October;

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the Highland Fairview Corporate Park Project, including, but not limited to land use, traffic and circulation, air quality, noise and aesthetics, light and glare. A

statement of overriding considerations is provided for environmental impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas emissions;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

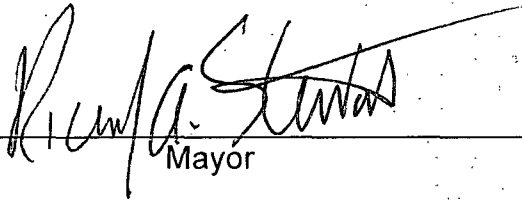
WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The Planning Commission hereby recommends that the City Council certify that the final Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project on file with the Community and Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the Planning Commission reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and
2. The Planning Commission recommends that the City Council hereby adopt the Findings and Statement of Overriding Considerations regarding the final EIR for the Highland Fairview Corporate Park Project, attached hereto as Exhibit A; and
3. The Planning Commission recommends that the City Council hereby approve the Mitigation Monitoring Program for the final EIR for the proposed Highland Fairview Corporate Park project, attached hereto as Exhibit B.

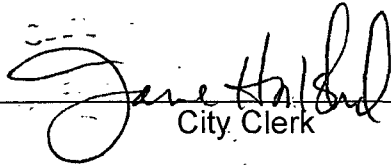
APPROVED AND ADOPTED this 10th day of February, 2009.

SIGNATURE PAGE FOLLOWS.



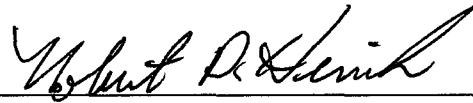
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2009-08 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 10th day of February, 2009 by the following vote:

AYES: Council Members Batey, Hastings, Molina, Mayor Pro Tem Flickinger and Mayor Stewart

NOES: None

ABSENT: None

ABSTAIN: None



CITY CLERK

(SEAL)



Resolution No. 2009-08
Date Adopted: February 10, 2009

**Facts, Findings and Statement of Overriding Considerations
Regarding the Environmental Effects of the Approval of the
Highland Fairview Corporate Park Project
(State Clearinghouse No. 2007101132)**

I. INTRODUCTION

The City Council of Moreno Valley (the "Council") in approving the Highland Fairview Corporate Park project (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Findings are based upon the entire record before the Council, as described in Section III below, including the Environmental Impact Report ("EIR") prepared for the Project by the City, acting as the lead agency under the California Environmental Quality Act ("CEQA").

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

The Project consists of the development of a corporate park in three phases comprising a 1,820,000 square foot ("sf") logistics (i.e., warehouse and distribution) building, which will be leased to Skechers, and 80,000 sf of commercial facilities in Phase 1; a second 600,000 sf logistics building in Phase 2; and 120,000 sf of commercial facilities in Phase 3. The Project will affect three different areas which, together, will contain approximately 265 acres: the Project Site which will contain approximately 125 acres which will be developed and approximately 33 acres which will be dedicated or improved for various improvements and utility extensions; and approximately 23 acres, located south of the Project Site, which will be used for drainage purposes in connection with the development of the Project Site. The Project Site is bounded on the north by State Route 60 ("SR-60"), on the east by Theodore Street, on the south by future Eucalyptus Avenue (approximately on the current alignment of Fir Avenue) and on the west by Redlands Boulevard.

The eastern and western portions of the Project Site are currently designated for Commercial uses in the City's General Plan and are zoned for Community Commercial uses. The center of the Project Site is designated for Business Park/Light Industrial use in the General Plan and is zoned for Business Park uses. The development of the Project requires a General Plan amendment to increase the commercial area on the western portion of the Project Site, to reduce the commercial area on the eastern portion of the Project Site, to amend the City's Master Plan of Trails and to amend the Circulation Element of its General Plan to make future Eucalyptus Avenue a four lane divided arterial street with a median; a zone change to reflect the changes in the areas designated for Commercial and Business Park uses; a change in the zoning in the center of the

Project Site from Business Park to Light Industrial; a tentative parcel map to create four parcels on which development will occur, three parcels which will be used for SR-60 improvements and six parcels which will serve as common areas; the approval of the Plot Plan for the development planned for Parcel 1; the approval of alternate work hours during the construction period; and future discretionary approvals needed to complete the development of the Project.

B. PROJECT OBJECTIVES

The objectives for the Project are to:

1. Perform construction in an accelerated manner in order to meet Skechers' occupancy needs;
2. Provide additional employment opportunities;
3. Provide logistic facilities in a single building containing at least 1,800,000 sf to allow for the consolidation of several existing Skechers' logistics facilities into one;
4. Plan for, and entitle, the Project Site to allow for the possibility of adding another building containing up to 600,000 sf to account for future growth in the need for logistics facilities;
5. Provide logistics facilities on land with immediate access to State Route-60 to minimize the use of City streets;
6. Provide the City with new jobs and revenues from the construction and operation of the logistics facilities;
7. Construct the logistics facilities in a manner that maximizes the use of green technology; and
8. Develop the Project Site to ensure an adequate rate of return on the Project applicant's investment.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive environmental review of the Project to ensure that both the City's decision makers and the public are fully informed about potential significant environmental effects of the Project; to identify ways that environmental damage can be avoided or significantly reduced; to prevent significant, avoidable damage to the environment by requiring changes in the Project through the use of mitigation measures which have been found to be feasible; and to disclose to the public the reasons why the City has approved the Project in the manner chosen in light of the significant

environmental effects which have been identified in the EIR. In order to do this, the City, as the lead agency under CEQA, has done all of the following:

1. Prepared and distributed an Initial Study/Notice of Preparation, dated October 29, 2007, a copy of which was circulated the following day through the State Clearinghouse to various state agencies for their comments;
2. Sent the Initial Study/Notice of Preparation, which contained the notice of a scoping meeting to be held on November 26, 2007, to each of the governmental agencies, organizations and individuals shown on the distribution list for the Notice of Preparation/Initial Study, Appendix A to the Draft EIR, on October 29, 2007;
3. Held a public scoping meeting on November 26, 2007, to solicit comments from the public on what should be analyzed in the EIR;
4. Sent a Notice of Completion and a copy of the Draft EIR to the State Clearinghouse on August 4, 2008;
5. Filed a Notice of Availability with the Clerk of the Riverside County Board of Supervisors on August 4, 2008, informing the public that the Draft EIR was available for public review for a 45 day period beginning on August 6, 2008, and ending on September 19, 2008;
6. Mailed the Notice of Availability to all organizations and individuals who had previously requested the Notice on August 4, 2008;
7. Mailed the Notice of Availability to all residents and property owners within 300 feet of the Project Site on August 4, 2008;
8. Provided copies of the Draft EIR to 132 public agencies, organizations and individuals on August 4, 2008;
9. Placed copies of the Draft EIR on the City's website, at the City's Planning Department's public counter and at the public library located at 25480 Alessandro Boulevard on August 4, 2008;
10. Published the Notice of Availability on August 8, 2008, in the Press Enterprise, which is the newspaper of general circulation which has the largest circulation in the areas affected by the Project;
11. Prepared responses to comments on the Draft EIR received during and after the 45 day comment period on the Draft EIR, which have been included in the Final EIR;

12. Published a Notice on December 19, 2008, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the City's Planning Commission would hold a public hearing on January 8, 2009, to consider the Final EIR and the Project in order to provide recommendations to the Council;
13. Sent copies of the Final EIR on December 19, 2008, to all public agencies, organizations and individuals who had submitted comments;
14. Held a public hearing of the City's Planning Commission to consider the adequacy of the Final EIR on January ___, 2009, and, at the conclusion of the hearing, recommended that the Council certify that the Final EIR had been prepared in full compliance with CEQA;
15. Published a notice on January ___, 2009, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the Council would hold a public hearing on January ___, 2009, to consider certification of the Final EIR as having been prepared in compliance with CEQA and the approval of the Project;
16. Mailed notice of the Council's hearing to all residents and property owners within 300 feet of the Project Site on January ___, 2009;
17. Sent notice of the Council's hearing to all organizations and individuals who had previously requested notification of anything having to do with the Project on January ___, 2009; and
18. Held a public hearing of the Council on January ___, 2009, and, after full consideration of all comments, written and oral, certified that the Final EIR had been completed in compliance with CEQA and approval of the Project.

All of the documents identified above and all of the documents which are required to be part of the record pursuant to Public Resources Code § 21167.6(e) are on file with the City's Community Development Department, Planning Division, located at 14177 Frederick Street, Moreno Valley, CA 92552-0805. Questions should be directed to Mark Gross, AICP, Senior Planner, in the Division.

A. INDEPENDENT JUDGMENT FINDING

Finding: The Final EIR for the Project reflects the City's and the Council's independent judgment and analysis.

Factual Basis for the Finding: The EIR was prepared by Michael Brandman Associates, an independent consulting firm, under the supervision and direction of Planning Division staff of

the City's Community Development Department and was thoroughly reviewed by the Chambers Group, an expert consultant hired by the City to provide independent peer review and assure the exercise of thorough and independent review and judgment by the City. The Council, as the City's final decision making body for the Project, received and reviewed the Final EIR and the comments, both written and oral, provided by public agencies and members of the public prior to certifying that the Final EIR complied with CEQA. The participation of City Staff in selection and approval of Michael Brandman Associates as the EIR Consultant, the professional qualifications and reputation of the EIR Consultant, the supervision and direction of the EIR Consultant by the City Staff, the thorough and independent review of the Draft and Final EIRs, including comments and responses to comments, by both the City Staff and the Chambers Group and the review and careful consideration by the City Council of the Final EIR, comments and responses to comments all conclusively show that the Final EIR is the product of and reflects the independent judgment and analysis of the City as the Lead Agency, and of the City Council as its governing body.

B. FINDING OF THE ABSENCE OF ANY NEED TO RECIRCULATE THE FINAL EIR

Finding: The Council finds that the Final EIR does not add significant new information to the Draft EIR that would require recirculation of the Project EIR.

Factual Basis for the Finding: The Council recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed and that the Final EIR contains additions, clarifications and minor modifications to the Draft EIR. The Council has reviewed and considered the Final EIR and all of the information contained in it and has determined that the new information added to the Final EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact nor a feasible

mitigation measure or an alternative considerably different from others previously analyzed that the Project applicant declined to adopt and that would clearly lessen the significant environmental impacts of the Project. No information provided to the Council indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.

C. GENERAL TREATMENT OF MITIGATION MEASURES

It is the Council's intention to adopt all mitigation measures recommended by the Final EIR. If a measure has been omitted from the Conditions of Approval, from the Findings or from the Mitigation Monitoring Program (the "MMP"), a copy of which is attached as Exhibit A and which is hereby adopted, that mitigation measure shall be deemed to be adopted pursuant to this paragraph.

In addition, all Conditions of Approval and the MMP repeating or rewording mitigation measures recommended in the Final EIR are intended to be substantially similar to the mitigation measures as stated in the Final EIR and are found to be equally effective in avoiding or lessening the identified environmental impact.

IV. ENVIRONMENTAL IMPACTS AND FINDINGS

Based on the Initial Study, Appendix A.2 to the Draft EIR, and the responses to the Notice of Preparation, the EIR analyzed 16 potential areas where significant environmental impacts could result from the development of the Project. Five of those, aesthetics, agricultural resources, air quality, noise and global climate change and greenhouse gases, were found to have significant and unavoidable environmental impacts after the imposition of all feasible mitigation measures. The remaining 11 areas, biology, cultural resources, geology, hazards and hazardous materials, hydrology, land use and planning, mineral resources, population, housing and employment, public services, transportation and traffic and utilities and service systems were found to have either no significant and unavoidable environmental impacts or that the environmental impacts could be mitigated into a level of insignificance. The description of each environmental area, the potential impacts and the feasible mitigation measures are set forth in Sections 5 and 6 of the Draft EIR together with the changes and additions set forth in Section 4 of the Final EIR.

A. IMPACTS IDENTIFIED IN THE EIR AS LESS THEN SIGNIFICANT REQUIRING NO MITIGATION

1. AESTHETICS

- a. Potential Significant Impact:** Damage to scenic resources (Impact 5.1-2)

Finding: The Project will not substantially damage scenic resources, including, but not limited to trees, rock outcroppings and historic buildings visible from a State scenic highway.

Factual Basis for the Finding: As discussed in Sections 5.1 and 5.2 of the Draft EIR and as shown in the Aesthetics Assessment, Appendix M.1 to the Draft EIR, the Project Site is flat, having been used for farming in the past and contains no trees, rock outcroppings or historic buildings within any State scenic highway.

- b. Potential Significant Impact:** Degradation of the existing visual character or quality of the Project Site and its surroundings (Impact 5.1-3)

Finding: The Project will not substantially degrade the existing visual character or quality of the Project Site or its surroundings.

Factual Basis for the Finding: As discussed on pages 5.1-25-26 of the Draft EIR, the development of the Project will introduce urban development into an area of the City that has historically been used for ranching and agricultural purposes. However, the City's General Plan has identified the Project Site for business park and commercial development with the recognition that the visual attributes of the Project Site will change. That change is a continuation of planned development that is visually compatible with the proposed future urbanization of the area surrounding the Project Site.

2. AGRICULTURAL RESOURCES

- a. Potential Significant Impact:** Conflict with existing zoning for agricultural use or a Williamson Act contract (Impact 5.2-2)

Finding: The Project does not conflict with existing zoning for agricultural use or a Williamson Act contract.

Factual Basis for the Finding: As discussed on page 5.2-5 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site is zoned as Business Park and Commercial and is not subject to a Williamson Act contract.

b. Potential Significant Impact: Conversion of other farmland to nonagricultural use (Impact 5.2-3)

Finding: The Project will cause changes in the existing environment which could result in the conversion of other farmland to nonagricultural use. However, such changes will not rise to a level of significance because the surrounding farmland is designated for development in the City's General Plan and is not suitable for farming in the long term in any event.

Factual Basis for the Finding: As discussed on page 5.2-6 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site and the area surrounding the Project Site are vacant and, in the past, have been used for dry land farming. However, the development of the Project would not, by itself, in any way limit the use of adjacent land for agricultural purposes. Moreover, the surrounding land is designated for urban use with the understanding that whatever limited agricultural use now exists will not continue to exist for much longer.

Moreover, as discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although land near the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing

facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of production means that the land near the Project Site cannot be realistically considered as an agricultural resource.

3. AIR QUALITY

- a. **Potential Significant Impact:** Conflict with, or obstruction of, implementation of the applicable air quality plan (Impact 5.3-1)

Finding: The Project will not conflict with, nor will it obstruct implementation of, the applicable air quality plan.

Factual Basis for the Finding: As discussed on pages 5.3-22-23 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the Project is consistent with the Air Quality Management Plan prepared by the South Coast Air Quality Management District because, as set forth in Response 20-2 on page 3-94 of the Final EIR, the number of trips generated under the existing General Plan land use designation, which forms the basis for the Air Quality Management Plan, contemplates vehicle trips substantially in excess of those which will result once the Project is fully developed.

- b. **Potential Significant Impact:** Creation of objectionable odors (Impact 5.3-5)

Finding: The Project will not create objectionable odors affecting substantial numbers of people.

Factual Basis for the Finding: As discussed on page 5.3-54 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the project will not contain land uses typically associated with emitting objectionable odors. Diesel exhaust and volatile organic compounds would be emitted during construction and operation of the project, which may be objectionable; however, emissions would disperse rapidly from the project site

and therefore will not be at a level that would induce any significant negative response.

4. **BIOLOGICAL RESOURCES**

- a. **Potential Significant Impact:** Substantial adverse impact on habitat (Impact 5.4-2)

Finding: The Project will not have a substantial adverse affect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or the U.S.A. Fish and Wildlife Service.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site does not contain any riparian habitat nor does it contain any habitat for either sensitive plants or wildlife.

- b. **Potential Significant Impact:** Substantial adverse effect on protected wetlands (Impact 5.4-3)

Finding: The Project will not have any effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis and the Delineation of Jurisdictional Waters and Wetlands, Tentative Parcel Map No. 35629 and Associated Offsite Areas, Appendices C.1 and C.2 to the Draft EIR, there are no wetlands or wetland vegetation on the Project Site.

- c. **Potential Significant Impact:** Interference with migratory wildlife corridors (Impact 5.4-4)

Finding: The Project will not interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors nor impede the use of native wildlife nursery sites.

Factual Basis for the Finding: As discussed on pages 5.4-31-32 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, no wildlife movement corridors occur on, or directly adjacent to, the Project Site nor will there be any impact on native wildlife nursery sites because no such sites were observed on, or directly adjacent to, the Project Site.

4. GEOLOGY AND SOILS

- a. **Potential Significant Impact:** Exposure of people or structures to potential substantial adverse effects (Impact 5.6-1)

Finding: The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the Project Site or based on other substantial evidence of a known fault; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; and (iv) landslides.

Factual Basis for the Finding: As discussed on pages 5.6-1-15 and Responses 15-1-5 on pages 3-137-138 of the Final EIR and in the geotechnical studies, Appendix F to the Draft EIR, the Project Site is not located in an area that is underlain by any active fault segments although there may be unnamed fault splays nearby. The Project Site is located in an area where there is a moderate potential for liquefaction. However, liquefaction occurs only when groundwater is present within 50 feet of the surface, something which exploratory wells have shown does not occur on the Project Site. The combination of required setbacks and adherence to the structural design requirements set forth in the California Building Code means that the chances of substantial adverse effects will be no greater on the Project Site than anywhere else in Southern California.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GEO-1, set forth on page 4-52 of the Final EIR, has been imposed as a condition of Project approval to ensure that any fault features found on the Project Site will be suitably dealt with.

- b. **Potential Significant Impact:** Substantial soil erosion or loss of top soil (Impact 5.6-2)

Finding: The Project will not result in substantial soil erosion or the loss of topsoil.

Factual Basis for the Finding: As discussed on page 5.6-15 of the Draft EIR, the Project Site has a gentle slope which does not have a high erosion potential. The fine sandy soil on the Site does have a potential for wind erosion but standard best management practices and air quality emission dust controls during grading will ensure that the soils are properly moistened during high wind conditions. Topsoil on the Site will be lost due to the construction of the Project. However, because the Project Site will ultimately be converted to urban uses and no longer available for agricultural production, the loss of the topsoil will not result in any significant impact.

- c. **Potential Significant Impact:** Unstable geologic location (Impact 5.6-3)

Finding: The Project will not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the Project and will not potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse.

Factual Basis for the Finding: As discussed on pages 5.6-1-10 and -15 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, and in subsection IV.4.a. above, no evidence of geologic instability underlying the Project Site has been identified as a result of the geotechnical investigations carried out on the Site. Moreover, the development of the Project will be subject to the City's Grading Ordinance and the California Building Code, both of which are designed to deal with potential problems of geologic instability.

- d. **Potential Significant Impact:** Location of the Project on expansive soil (Impact 5.6-4)

Finding: The Project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), nor will it create substantial risk to life or property.

Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, limited laboratory tests of the soils at the Project Site at shallow depth show that they have a low expansion potential. Moreover, the Project will be required to comply with the City's Grading Ordinance and the California Building Code, both of which are designed to deal with the potential of expansive soils.

e. Potential Significant Impact: Wastewater disposal systems (Impact 5.6-5)

Finding: Wastewater disposal will have no effect on the soils on the Project Site.

Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR, the Project will be connected to wastewater service provided by the Eastern Municipal Water District and no septic tanks will be used.

f. Potential Significant Impact: Cumulative impacts on geology and soils

Finding: Cumulative impacts on geology and soils caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-12 of the Draft EIR, the physical development of other land will be subject to the same strict safeguards applicable to the development of the Project Site. Further, impacts to geology and soils are site specific so that a problem on one site does not contribute to problems on other sites.

5. HAZARDS AND HAZARDOUS MATERIALS

a. Potential Significant Impact: Hazardous emissions within one-quarter mile of an existing or proposed school (Impact 5.7-2)

Finding: The Project will not emit hazardous emissions nor will it handle hazardous or acutely hazardous materials, substances or wastes within one-quarter mile of an existing or proposed school.

Factual Basis for the Finding: As discussed on page 5.7-9 of the Draft EIR and in the letter from Jeff Hoskinson dated April 21, 2008, Appendix L to the Draft EIR, the nearest school site, the Calvary Chapel Christian School, is located

approximately 1.3 miles northwest of the Project Site. Two school sites which had previously been considered by the Moreno Valley Unified School District within one-quarter mile of the Project Site have been abandoned.

b. Potential Significant Impact: Safety hazard due to proximity to an airport (Impact 5.7-3)

Finding: The Project will not result in a safety hazard for people residing or working in the area due to the proximity of an airport or private airstrip.

Factual Basis for the Finding: As discussed on page 5.7-19 of the Draft EIR, the nearest airport or private airstrip is March Air Force Base which is located approximately 7.3 miles southwest of the Project Site. The Site is not within any airport land use plan area.

c. Potential Significant Impact: Impairment or interference with an adopted emergency response plan (Impact 5.7-4)

Finding: The Project's implementation will not impair or physically interfere with any adopted emergency response plan or any emergency evacuation plan.

Factual Basis for the Finding: As discussed on pages 5.7-9-10 of the Draft EIR, the Project Site is located on the City's urban fringe and does not interfere with access to any other area. Emergency access to the Project Site will be available from both Redlands Boulevard and Theodore Street along future Eucalyptus Avenue for all three Phases of the Project.

d. Potential Significant Impact: Exposure to wildland fires (Impact 5.7-5)

Finding: The development of the Project will not expose people or structures to significant risk of loss, injury or death involving wildland fires.

Factual Basis for the Finding: As discussed on page 5.7-10 of the Draft EIR, the Project Site is located in an area which is currently undeveloped and actively dry farmed. No heavy natural vegetation exists in the area surrounding the Site, the surrounding areas cannot be characterized as wildlands nor is the Project Site located in an area identified as a high fire area by Riverside County. The

closest high fire area is approximately eight-tenths of a mile west of the Site.

6. HYDROLOGY AND WATER QUALITY

- a. **Potential Significant Impact:** Violation of water quality or waste discharge standards (Impact 5.8-1)

Finding: The Project will not violate any water quality standards nor any waste discharge standards nor will it otherwise degrade water quality.

Factual Basis for the Finding: As discussed on pages 5.8-11-15 of the Draft EIR, as modified on page 4-56-57 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the Project applicant will be required to prepare a Stormwater Pollution Prevention Plan (“SWPPP”) that conforms to the State Water Resources Control Board’s National Pollutant Discharge Elimination System permit prior to the issuance of grading or construction permits. The SWPPP will identify best management practices to prevent construction related pollutants from reaching stormwater and all products of erosion from moving off-site. Conformance with the mandatory requirements of the SWPPP will ensure that no substantial degradation of water quality associated with the short-term construction activities will occur.

Long-term operational stormwater quality concerns will be managed pursuant to a City approved Water Quality Management Plan for the Project Site. The Plan requires the construction of a stormwater conveyance system that will include a series of extended detention basins, which will also serve as infiltration basins, with catch basin inserts for the removal of trash. The result will be a significant reduction in pollutant loads in the stormwater runoff from the Project Site which might otherwise reach surface water bodies.

- b. **Potential Significant Impact:** Depletion of groundwater supplies or interference with groundwater recharge (Impact 5.8-2)

Finding: The Project will not substantially deplete groundwater supplies nor will it interfere substantially with groundwater recharge.

Factual Basis for the Finding: As discussed on page 5.8-15 of the Draft EIR, and in the geotechnical studies, Appendix F to the Draft EIR, development of the Project Site will increase the amount of impervious area on the Site. However, because groundwater is located more than 110 feet below the existing ground surface, existing recharge is currently minimal. Stormwater runoff from the Project Site will be released into existing downstream drainage areas which will continue to allow runoff from the Site to percolate into the soil.

- c. **Potential Significant Impact:** Alteration of existing drainage patterns resulting in substantial erosion, siltation or flooding on- or off-site (Impact 5.8-3)

Finding: The Project will not substantially alter the existing drainage pattern in a manner which would result in substantial erosion, siltation or flooding on- or off-site.

Factual Basis for the Finding: As discussed on pages 5.8-16-18 of the Draft EIR, as modified on page 4-58 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the best management practices requirement of the SWPPP will ensure that runoff from the Project Site, including siltation, will be cleaned and delivered into existing off-site drainage channels in an amount which will not exceed predevelopment flows.

The Project Site is located in an area which is subject to a 500-year flood or a 100-year flood with an average flooding depth of less than one foot. The Project's detention basins will be utilized to reduce the 100-year peak storm flows to levels at or below existing peak discharges for the Project Site. Thus, the

development of the Project will not add to the potential for flooding on- or off-site.

- d. Potential Significant Impact:** Creation or contribution of runoff waters exceeding the capacity of existing or planned drainage systems or resulting in substantial additional sources of polluted runoff (Impact 5.8-4)

Finding: The Project will not create, nor will it contribute to, runoff water which would exceed the capacity of existing or planned stormwater drainage systems nor will it provide substantial additional sources of polluted runoff.

Factual Basis for the Finding: As discussed on pages 5.8-17-18 of the Draft EIR, as modified on page 4-38 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, development of the Project Site will increase the impervious surface and would, in the absence of suitable improvements, result in increased stormwater runoff. However, because of the drainage improvements discussed in Section 5.8 of the Draft EIR, stormwater runoff from the Project Site will be less than, or equal to, the peak discharges under existing conditions. Further, the Project's treatment of stormwater runoff, discussed in subsection IV.7.a. above, will ensure the absence of pollutants leaving the Project Site.

- e. Potential Significant Impact:** The location of housing within a 100-year flood hazard area (Impact 5.8-5)

Finding: The Project will not place housing or other structures within a 100-year flood hazard area.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the Project will not contain any housing and the Project Site is not located within a 100-year flood hazard area.

- f. Potential Significant Impact:** Exposure of people or structures to significant risk of loss, injury or death involving flooding (Impact 5.8-6)

Finding: The Project will not expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or a dam.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the nearest dam is approximately five miles downstream of the Project Site so that there is no risk from dam failure. Further, there are no levees located anywhere in the vicinity of the Project Site.

- g. Potential Significant Impact:** Inundation by seiche, tsunami or mud flow (Impact 5.8-7)

Finding: The Project Site will not be subject to inundation by seiche, tsunami or mud flow.

Factual Basis for the Finding: As discussed on pages 5.8-18-19 of the Draft EIR, the Project Site is not located near the Pacific Ocean nor any large body of water. Therefore, neither tsunamis nor seiches, which are defined as standing waves in a partially enclosed body of water, present any hazard to the Project Site. Further, the Site and its surrounding vicinity is relatively flat and the nearest foothills are more than a mile away so that the potential for a mud flow affecting the Site is remote.

- h. Potential Significant Impact:** Cumulative impacts on hydrology and water quality

Finding: Cumulative impacts on hydrology and water quality caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-14 of the Draft EIR, the EIR prepared for the City's General Plan found that the development of the Project Site and surrounding areas has the potential to increase flooding, erosion, stormwater pollutants. These impacts will be avoided through the implementation of required Best management Practices on a project by project basis in accordance with the national Pollutant Discharge Elimination Stormwater Permit and Water Quality Management Plans. All flood control measures and infrastructure maintenance will be required to comply

with either the Riverside County Flood Control and Water Conservation District's or the City's standard engineering practices. Additionally, all new development will be required to build master drainage plan facilities and/or pay fees which will be used to build them.

7. LAND USE AND PLANNING

- a. **Potential Significant Impact:** Physical division of an established community (Impact 5.9-1)

Finding: The Project will not physically divide an established community.

Factual Basis for the Finding: As discussed on page 5.9-16 of the Draft EIR, there is no established community in the Project area at the present time. Further, the existing General Plan designates the Project Site for nonresidential development.

- b. **Potential Significant Impact:** Cumulative impacts on land use and planning

Finding: Cumulative impacts on land use and planning caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-14-16 of the Draft EIR, the changes in land use for the Project Site will produce fewer jobs than currently projected based on the development contemplated by the existing General Plan designation and zoning but will still increase the City's job/housing ratio. Further, the impacts resulting from changes in land use are site specific so that a change of use on one site does not contribute to a change of use on other sites.

8. MINERAL RESOURCES

- a. **Potential Significant Impact:** Loss of a known valuable mineral resource (Impact 5.10-1)

Finding: The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, there are no known mineral resources on the Project Site.

- b. **Potential Significant Impact:** Loss of availability of a locally-important mineral resource recovery site (Impact 5.10-2)

Finding: The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on the City's General Plan or any other land use plan.

Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, the Project Site is not identified on any land use plan as containing any locally-important mineral resource recovery site.

- c. **Potential Significant Impact:** Cumulative impacts on mineral resources

Finding: Cumulative impacts on mineral resources caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant

Factual Basis for the Finding: As discussed on pages 6-16-17 of the Draft EIR, there are no mineral resources located on the Project Site so the development of the Project will not have any impact on mineral resources. Further, impacts to mineral resources are site specific so that a problem on one site does not contribute to problems on other sites.

9. NOISE

- a. **Potential Significant Impact:** Exposure of people to noise levels in excess of applicable standards or a substantial permanent noise increase in the vicinity of the Project (Impact 5.11-1)

Finding: The Project will not expose people to noise levels in excess of applicable standards. The Project will produce a permanent noise increase in the vicinity of the Project Site but will not result in any significant impact.

Factual Basis for the Finding: As discussed on pages 5.11-17-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the Project will result in a permanent noise increase in the vicinity of the Project Site because the Site is currently vacant. Traffic servicing the Project Site will

add to the existing noise along Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. However, there are no sensitive receptors along either of these street segments which would be adversely affected by the increased noise. Any residential development on land south of future Eucalyptus Avenue will require a sound study, which will review the physical layout of the development, and, if noise problems are found, will require the imposition of appropriate noise reduction measures to ensure that the noise impacting future residents will not exceed that allowed by the City's Municipal Code.

The buildings housing the Project's logistics and commercial uses will be serviced by loading docks and other accessory equipment which will operate outside of the buildings. If adjacent to residential and other sensitive land uses, these activities could result in adverse noise impacts. However, all of the Project related activities will be separated from surrounding areas by surface streets or SR-60. The traffic generated noise on these roadways will be much greater than noise generated on the Project Site and will, therefore, completely mask any such noise. Further, noise generated on the Project Site will be under 65 CNEL, the City's noise standard for residential areas, for all areas zoned for residential development.

- b. Potential Significant Impact:** Exposure of people to excessive ground borne vibration or noise (Impact 5.11-2)

Finding: The Project will not expose people to, nor will it generate, excessive ground borne vibration or noise.

Factual Basis for the Finding: As discussed on page 5.11-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the grading and construction associated with the development of the Project will not require pile drivers, blasting or other vibration causing equipment or events. Rubber tired vehicles, such as the trucks and cars which will be servicing the Project, generally do not cause significant vibration.

- c. **Potential Significant Impact:** Exposure of people to excessive noise levels from airports (Impact 5.11-4)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within an airport land use plan area or within two miles of a public or public use airport.

Factual Basis for the Finding: As discussed on page 5.11-26 of the Draft EIR, the Project Site is not located within an airport land use plan area nor is it located within two miles of a public or public use airport.

- d. **Potential Significant Impact:** Excessive noise levels due to the proximity of a private airstrip (Impact 5.11-5)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within the vicinity of a private airstrip.

Factual Basis for the Finding: As discussed on pages 5.7-9 and 5.11-26 of the Draft EIR, the nearest airport is more than seven miles away from the Project Site and there are no known private airstrips in the vicinity. Therefore, the Project Site will not be subject to excessive noise levels from aircraft.

10. POPULATION, HOUSING AND EMPLOYMENT

- a. **Potential Significant Impact:** The inducement of substantial population growth in the Project area (Impact 5.12-1)

Finding: The Project will not, directly or indirectly, induce substantial population growth in the Project area through the introduction of homes or businesses nor through the extension of roads or other infrastructure.

Factual Basis for the Finding: As discussed on page 5.12-3 of the Draft EIR, approximately 2,000 jobs will be generated by the development of the Project. It is expected that most of the workers will reside in the local area. There is a sufficient housing supply already in existence to accommodate those employees who will move into the City.

The construction of future Eucalyptus Avenue, as well as the extension of public services and utilities, will primarily serve the Project Site and will not lead,

directly or indirectly, to any substantial population growth in the Project area. Adjacent properties may use future Eucalyptus Avenue, which will run between Redlands Boulevard and Theodore Street, but adjacent properties already have access to these two roadways.

- b. Potential Significant Impact:** Displacement of existing housing (Impact 5.12-2)

Finding: The Project will not displace existing housing nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on pages 5.12-3-4 of the Draft EIR, the Project Site does not have any housing on it.

- c. Potential Significant Impact:** Displacement of people (Impact 5.12-3)

Finding: The Project will not displace people nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on page 5.12-4 of the Draft EIR, the Project Site is currently vacant so that the development of the Project will not result in the displacement of anyone.

- d. Potential Significant Impact:** Cumulative impacts on population, housing and employment

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-23-24 of the Draft EIR, the development of the Project will help improve the City's jobs/housing imbalance by adding jobs but not housing. Development of other land will be pursuant to the City's existing General Plan, which contemplates a substantial increase in jobs and homes, and will not be affected by the development of the Project.

11. PUBLIC SERVICES

- a. Potential Significant Impact:** The provision of new or physically altered police facilities (Impact 5.13-1)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services.

Factual Basis for the Finding: As discussed on pages 5.13-1-2 of the Draft EIR and in the letter from Moreno Valley's Police Chief, in Appendix L to the Draft EIR, the development of the Project may require an incremental increase in the need for police services but no new facilities will have to be constructed to provide that service which will be in the form of personnel and equipment which will be paid for out of general City revenues.

- b. **Potential Significant Impact:** Adverse physical impacts associated with the provision of new or physically altered school facilities (Impact 5.13-3)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school services.

Factual Basis for the Finding: As discussed on page 5.13-4 of the Draft EIR, the Project will not contain any homes and therefore will not house any school-age children and will not, therefore, create the need for new or altered school facilities. Further, the payment of school fees authorized by Government Code § 65995 would constitute full mitigation even if any additional needs were created.

- c. **Potential Significant Impact:** Substantial adverse physical impacts associated with the provision of new or physically altered park facilities (Impact 5.13-4)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for park services.

Factual Basis for the Finding: As discussed on pages 5.13-5-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the park needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no City recreational facilities near the Project Site that would be used by employees.

d. Potential Significant Impact: Substantial adverse physical impacts associated with the provision of other new or physically altered other facilities (Impact 5.13-6)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of other new or physically altered other facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other services.

Factual Basis for the Finding: As discussed on page 5.13-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the other needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no other City facilities near the Project Site that would be used by employees.

e. Potential Significant Impact: Cumulative impacts on public services

Finding: Cumulative impacts caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-24-25 of the Draft EIR, the impacts on public services caused by the development of the Project will be less than significant. Development of other land will be pursuant to the City's existing General Plan, which incorporates the need for, and the provision of, public services and will not be affected by the development of the Project.

12. TRANSPORTATION AND TRAFFIC

- a. **Potential Significant Impact:** Exceeding a level of service set by a congestion management agency (Impact 5.14-2)

Finding: No roadway or highway subject to Riverside County's Congestion Management Plan will be significantly affected by Project traffic.

Factual Basis for the Finding: As discussed on pages 5.14-4 and -29-34 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in Traffic Study, Appendix J to the Draft EIR and in the Traffic Topical response, pages 3-145-163 of the Final EIR, the Project traffic will account for approximately 2% of the traffic at SR 60/I-215 which is less than the 3% level of significance threshold contained in the Riverside County Congestion Management Plan.

SR-60 is the only roadway or highway affected by the Project which is also subject to the Riverside County Congestion Management Plan. Two segments just east of the SR-60/I-215 intersection are currently, and will remain, at level of service F with or without Project traffic. However, while this exceeds the Riverside County Congestion Management Plan's level of service requirement of E, it is less than significant because the Project's contribution of approximately 2% is less than the 3% level of significance threshold.

- b. **Potential Significant Impact:** Increase in hazards due to a design feature or an incompatible use (Impact 5.14-3)

Finding: The Project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or an incompatible use (e.g., farm equipment).

Factual Basis for the Finding: As discussed on pages 5.14-34-35 of the Draft EIR, the Project Site will be served by large trucks. All roadways and entryways associated with the Project Site have been designed in accordance with standards provided by the City. Moreover, a separate northbound left-turn lane at the Theodore Street/SR-60

eastbound ramp will improve safety for truck operations over that currently existing.

The normal hazards associated with blind spots created when people in vehicles are in close proximity to large trucks and trailers will be substantially reduced because a single driveway will serve as a primary entrance for truck traffic serving the Project Site and potential blind spots will be addressed through the design feature of the individual driveways.

Finally, a Construction Management Plan will be implemented to address traffic during the grading and construction phases of the Project to ensure that construction traffic will not result in any hazards to the traveling public.

- c. **Potential Significant Impact:** Inadequate emergency access (Impact 5.14-4)

Finding: The Project will not result in inadequate emergency access.

Factual Basis for the Finding: As discussed on page 5.14-35 of the Draft EIR, the Project does not create any barriers between roadways and any other land use. Emergency access to the Project Site will be available over future Eucalyptus Avenue from both Redlands Boulevard and Theodore Street for all three Phases of the Project even though access from Redlands Boulevard will not be available to the general public until Phase 3.

- d. **Potential Significant Impact:** Conflict with adopted policies, plans or programs supporting alternative transportation (Impact 5.14-5)

Finding: The Project will not conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks, etc.).

Factual Basis for the Finding: As discussed on pages 5.14-35-39 of the Draft EIR, future Eucalyptus Avenue will be improved adjacent to the Project Site and will be suitable for a bus route should one be extended to the Site by the Riverside County Transit Agency. Further, a multi-use trail, suitable for pedestrians and bicyclists, will be

constructed adjacent to the Project Site on the north side of future Eucalyptus Avenue.

13. UTILITIES AND SERVICE SYSTEMS

- a. **Potential Significant Impact:** Exceeding wastewater treatment requirements (Impact 5.15-1)

Finding: The Project will not exceed wastewater treatment requirements set by the Regional Water Quality Control Board.

Factual Basis for the Finding: As discussed on pages 5.15-1 and -9 of the Draft EIR, the Project's wastewater flows will be typical of those from commercial/retail facilities and, for the logistics facilities, would consist of domestic waste from employees. No effluents are expected that would exceed the treatment requirements set by the Regional Water Quality Control Board.

- b. **Potential Significant Impact:** Construction of new water and wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-2)

Finding: The Project will not require, nor result in, the construction of new water and wastewater treatment facilities nor the expansion of existing facilities, the construction of which could cause significant environmental effects.

Factual Basis for the Finding: As discussed on pages 5.15-2-5 and -9 of the Draft EIR, as modified on pages 4-65-68 of the Final EIR, no expansion of existing water and wastewater treatment facilities will be required to serve the Project Site.

- c. **Potential Significant Impact:** Construction of new stormwater drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-3)

Finding: The Project will not require, nor will it result in, the construction of new stormwater drainage facilities nor will it require, nor result in, the expansion of existing facilities, the construction of which could cause significant environmental effects.

Factual Basis for the Finding: As discussed in Section 5.8 and page 5.15-9 of the Draft EIR, as modified by pages 4-55-58 of the Final EIR, the Project's new stormwater drainage facilities will decrease stormwater runoff from the Project Site compared to that which currently exists and will also significantly reduce the pollutant load of stormwater runoff over that which currently exists.

- d. **Potential Significant Impact:** Adequacy of water supplies available to serve the Project (Impact 5.15-4)

Finding: Sufficient water supplies are available to serve the Project from existing resources so that neither new nor expanded entitlements are required.

Factual Basis for the Finding: As discussed on pages 5.15-2-5, 9-11 and 14-15 of the Draft EIR, as modified on pages 4-67-68 of the Final EIR, and the March 5, 2008, Water Supply Assessment prepared for the Project by the water provider, the Eastern Municipal Water District (the "EMWD") as corrected by the June 4, 2008, letter from the EMWD, Appendix K.2 to the Draft EIR, the Project, at build out, will use just over 140 acre feet of potable water per year. The Water Supply Assessment, which was prepared pursuant to SB610, took into consideration the October, 2007, reduction in water from Northern California through the State Water Project which substantially reduced the amount of water available to Southern California. After taking that information into consideration, the EMWD determined that "it will be able to provide adequate water supply to meet the potable water demand for Tentative Parcel Map 35629, in addition to existing and future uses." (Page 33 of the Water Supply Assessment.)

Further, existing water infrastructure currently exists which, with the addition of a 12 inch pipeline to the Project Site from an existing water line located south of and adjacent to SR-60, west of Redlands Boulevard, will allow water to be brought to the Project Site.

Although no mitigation is required to reduce any significant impact, Mitigation Measure W-1, set forth on pages 5.15-14-15 of the Draft EIR, which requires the preparation of a planting and irrigation for the

City's review and approval, has been imposed as a condition of Project approval to ensure further reduction of water used for landscaping.

- e. **Potential Significant Impact:** Adequacy of wastewater treatment capacity (Impact 5.15-5)

Finding: Adequate wastewater treatment capacity exists to serve the Project in addition to existing commitments.

Factual Basis for the Finding: As discussed on pages 5.15-1 and -11 of the Draft EIR, the Project will generate approximately 61,680 gallons of wastewater per day. The EMWD's Moreno Valley Regional Water Reclamation Facility has a capacity to treat 16,000,000 gallons of wastewater per day with the ability to expand to 41,000,000 gallons per day. The current utilization is approximately 11,200,000 gallons per day.

An existing sewer line will be extended along Redlands Boulevard and then easterly along future Eucalyptus Avenue to serve the Project Site.

- f. **Potential Significant Impact:** Insufficient landfill capacity to accommodate the Project's solid waste disposal needs (Impact 5.15-6)

Finding: Adequate landfill capacity exists to accommodate the Project's solid waste disposal needs.

Factual Basis for the Finding: As discussed on pages 5.15-6-7 and -11-12 of the Draft EIR, the Project, at build out, will generate just under 129 tons of solid waste per day. The City currently has available to it three landfills. The three landfills have a total capacity to accept solid waste of just under 14,600 tons per day, a minimum of 3,820 tons per day of which is not currently being used. The total remaining capacity in the three landfills is approximately 134,200,000 tons with sufficient capacity for the next 10 to 15 years with the ability to expand for another 15 years after that.

- g. Potential Significant Impact:** Compliance with federal, state and local statutes and regulations related to solid waste capacity (Impact 5.15-7)

Finding The Project will comply with federal, state and local statutes and regulations related to solid waste capacity.

Factual Basis for the Finding: As discussed on page 5.15-12 of the Draft EIR, the City has regulations which govern the disposal of solid waste. Skechers, the tenant for the building to be constructed on the Parcel 1, has instituted a significant recycling program at its current locations which will be continued upon relocation to the Project Site. Further, recycled material will be used to the greatest extent practicable in the construction of the Project.

- h. Potential Significant Impact:** Sufficiency of electrical service for the Project (Impact 5.15-8)

Finding: The Project will be provided with sufficient electrical service.

Factual Basis for the Finding: As discussed on pages 5.15-7-8, -12-14 and 5.16-11-13, as modified on pages 4-68-69 of the Final EIR, the Project will use approximately 3.7 megawatts of electricity which will be provided by the City of Moreno Valley Utilities. The substation which will serve the Project Site has a current capacity of 56 megawatts, expandable to 112 megawatts, with a current peak load of 15 megawatts.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GCC-1 through GCC-4, set forth on page 5.16-11 of the Draft EIR, which require increased energy efficiency, the use of "cool" roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, set forth on page 5.15-13 of the Draft EIR, as modified on page 4.20 of the Final EIR, which requires LEED certification, have been imposed as conditions of Project approval to ensure greater reductions in energy used by the Project.

- i. **Potential Significant Impact:** Cumulative impacts on utilities and service systems

Finding: Cumulative impacts on utilities and service systems caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-32-33 of the Draft EIR and in subsections I.V.A.14.a-h above, the Project's impacts on water and wastewater treatment requirements and capacity, stormwater drainage facilities, water supply availability, solid waste disposal capacity and availability of electricity at build out will be less than significant. The Projects impacts on each of these utilities and public services has already been factored in to long term needs and requirements so that its cumulative impacts will also be less than significant.

B. IMPACTS IDENTIFIED IN THE EIR AS POTENTIALLY SIGNIFICANT THAT HAVE BEEN MITIGATED TO LESS THAN SIGNIFICANT

1. AESTHETICS

- a. **Potential Significant Impact:** Creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area (Impact 5.1-4)

Finding: The Project has the potential of creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area. However, with the imposition of Mitigation Measure A-1, which requires limitations on night time lighting during construction, and compliance with existing City ordinances, standards and regulations, the impact will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.1-26-35 of the Draft EIR, the lighting associated with the operation of the Project will be required to comply with all of the City's lighting regulations and will therefore result in a less than significant impact. Nighttime lighting during the Project's construction has the potential to create temporary new sources of light and glare that will emanate from the Project Site. Requiring the use of directional lighting, shielding and other similar measures will ensure that the impact will be less than

significant. Accordingly, Mitigation Measure A-1, set forth on page 5.1-35 of the Draft EIR, has been imposed as a condition of approval of the Project.

2. BIOLOGICAL RESOURCES

- a. **Potential Significant Impact:** Substantial adverse effect on federally and California protected and special-status plant and wildlife (Impact 5.4-1)

Finding: The Project Site contains moderately suitable habitat for the Stephens' kangaroo rat, the burrowing owl and for ground-, tree- and shrub-nesting birds, all of which could be adversely affected by the development of the Project. The imposition of Mitigation Measures BR-1 through BR-3, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-31 and -35-36 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site contains moderately suitable habitat for several federally and state protected plants and wildlife which would be affected directly, and through the loss of habitat, indirectly, as a result of the development of the Project. However, a pre-construction survey of the Project Site, avoidance of activities which would affect nesting sites and payment of the mitigation fee called for under the Stephens' Kangaroo Rat Habitat Conservation Plan will ensure that the impacts will be less than significant. Accordingly, Mitigation Measures BR-1, BR-2 and BR-3, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

- b. **Potential Significant Impact:** Conflict with local policies or ordinances protecting biological resources (Impact 5.4-5)

Finding: The Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan so that the development of the Project has the potential to adversely affect biological resources. The imposition of

Mitigation Measures BR-2 through BR-4, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

- c. **Potential Significant Impact:** Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan (Impact 5.4-6)

Finding: The Project Site lies within an area subject to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. The development of the Project could significantly affect the species and their habitats protected by the two Plans. However, the imposition of Mitigation Measures BR-2, which requires the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, and BR-4, which requires the payment of mitigation fees which will be used to protect the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-33-34 of the Draft EIR and the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located in an area subject to both Plans. However, both Plans identify the Project Site as an area where the payment of mitigation fees will fully mitigate any impact which might otherwise occur.

Accordingly, Mitigation Measures BR-2 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

- d. **Potential Significant Impact:** Cumulative impacts on biological resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant and adverse impacts to biological resources. However, the imposition of Mitigation Measures BR-1 through BR-4, which require the protection of birds which might be found on the Project Site, the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, and compliance by other projects with the requirements of the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As discussed on pages 6-10-11 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, substantial amounts of land in the vicinity of the Project contain habitat beneficial to various species. However, the land is also within the areas subject to the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan, both of which are designed to protect habitat and species. The imposition of Mitigation Measures BR-1 through BR-4, discussed in subsections IV.2.a-c above, on the Project and the compliance of other projects with the requirements of the two plans will ensure that the impacts on biological resources will be reduced to less than significant.

3. CULTURAL RESOURCES

- a. **Potential Significant Impact:** Substantial change in the significance of an historical or archeological resource pursuant to CEQA Guideline § 15064.5 (Impact 5.5-1)

Finding: Although no known cultural resources are located on the Project Site, 14 cultural resources have been identified within one mile of the Site so that

development of the Project could have a significant impact on cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-4, which require a City approved archeologist to oversee cultural resource mitigation monitoring while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological resources are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.5-1-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, the Project Site does not contain any prehistoric sites or isolated artifacts. However, a record search indicated that 14 cultural resources are located within one mile of the Site. The Project Site has been plowed for many years and it is possible that cultural resources might be found once grading begins. Requiring continuing archeological review and monitoring, in cooperation with the representative of a City designated Tribe, will reduce the impact to less than significant. Accordingly, Mitigation Measures CR-1, CR-2, CR-3 and CR-4, set forth on page 5.5-8 of the Draft EIR, as modified on pages 4-9-10 of the Final EIR, which will ensure adequate protection of any cultural resources which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

- b. **Potential Significant Impact:** Destruction of a unique paleontological resource or site or unique geologic feature (Impact 5.5-2).

Finding: There are no unique paleontological resource or unique geologic features on the Project Site. However, the impact of the development of the Project on paleontological resources is considered significant because there is a moderate possibility that paleontological resources exist because the geological feature underlying the Project Site has a high potential to contain such resources. However, the imposition of Mitigation Measure CR-5, which require a City approved paleontologist to oversee paleontological resource mitigation monitoring while earth moving activities are taking place on the Project Site and which sets forth the procedures to be followed if paleontological resources are encountered, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.5-6-7 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, a literature search indicated that no paleontological resources have been identified on the Project Site. However, the Project Site is situated upon a geologic feature which is highly sensitive for fossil resources. Accordingly, Mitigation Measure CR-5, set forth on page 5.5-9 of the Draft EIR, as modified on page 4-10 of the Final EIR, which will ensure adequate protection of any paleontological resources which may be found during grading of the Project Site, has been imposed as a condition of approval of the Project.

- c. **Potential Significant Impact:** Disturbance of human remains, including those interred outside of formal cemeteries (Impact 5.5-3)

Finding: The location of human remains within the Project Site would be a significant impact even though no human remains have been identified on the Site nor are any expected to be found. However, the imposition of Mitigation Measure CR-6, which requires compliance with the procedures set forth if human remains are encountered, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on page 5.5-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no human remains have been located in or near the Project Site and none are expected. However, the Site is located in an area which has been inhabited by several Native American Tribes in the past and the possibility that human remains may be found on the Site cannot be rejected. Accordingly, Mitigation Measure CR-6, set forth on pages 5.5-9-10, as modified on pages 4-11-12 of the Final EIR, which will ensure adequate protection of any human remains which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

- d. **Potential Significant Impact:** Cumulative impacts on cultural resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts to

cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-6, which require a City approved archeologist to oversee cultural resource mitigation monitoring, and a City approved paleontologist to oversee paleontological resources, while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological or paleontological resources or human remains are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As set forth on pages 6-11-12 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no cultural resources have been found on or near the Project Site although cultural resources have been found within a mile of the Site and the Site itself lies within an area which has been historically used by several Native American Tribes. There therefore exists the possibility that cultural resources may be found on the Site once grading begins. However, Mitigation Measures CR-1 through CR-6, discussed in subsections IV.3.a-c above, which will ensure that the information associated with any cultural resources found on the Site will not be lost but will, instead, be available to be used in the context of cultural resources recovered from other, nearby sites, have been imposed as conditions of approval of the Project.

4. HAZARDS AND HAZARDOUS MATERIALS

- a. **Potential Significant Impact:** The creation of a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials (Impact 5.7-1)

Finding: Neither the construction nor the operation of the Project will create a significant hazard to the public or the environment through the routine transfer, use or disposal of hazardous materials. However, fire and smoke hazards and emissions from diesel powered trucks serving the Project can result in significant environmental and health hazards. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, AQ-5, which requires the review and approval by the City of a construction travel plan, AQ-8, which requires the use of electrically powered equipment during

construction, AQ-10 through AQ-13, which require off-site construction to be limited to day light hours, posting signs prohibiting diesel idling for more than three minutes and prohibiting the establishment of sensitive receptors near the Project Site, and GCC-11, which prohibits heavy trucks from coming on to the Project Site if properly certified, will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.7-7-9 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety.

Potential fire and smoke hazards associated with the Project, particularly given its size, could present a significant impact. However, the imposition of Mitigation Measures HH-1 through HH-4, set forth on page 5.7-11 of the Draft EIR, which will substantially minimize the chance of a major fire, have been imposed as conditions of approval of the Project.

As discussed on pages 5.3-49-53 and 5.7-8-9, emissions from diesel trucks serving the Project Site could have a substantial impact on the health of anyone living south of future Eucalyptus Avenue. Prohibiting idling of diesel trucks, providing electricity to trucks at the Project Site, requiring that only trucks in good operating condition be allowed to access the Project Site and requiring the applicant to record a land use restriction which will prohibit residential development south of future Eucalyptus Avenue will ensure that adverse health impacts will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, and GCC-11, set forth on pages 4-5-6 of the Final EIR, have been imposed as conditions of approval of the Project.

- b. **Potential Significant Impact:** Cumulative hazard and hazardous materials impacts

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts resulting from hazards and hazardous materials. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, and AQ-13 which prohibits the establishment of sensitive receptors near the Project Site, on the Project and similar mitigation measures on other projects will reduce the impact to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6.12-13 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety. Similar regulation will also apply to the development of other projects. The imposition of Mitigation Measures HH-1 through HH-4 and AQ-13, discussed in subsection IV.4.a above, on the Project and the imposition of similar mitigation measures on other projects will reduce the impacts to less than significant.

5. LAND USE AND PLANNING

- a. **Potential Significant Impact:** Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project adopted to avoid or mitigate environmental effects (Impact 5.9-2)

Finding: The Project would be technically inconsistent with the City's General Plan and Zoning Ordinance prior to approval of the proposed General Plan amendment and the change of zone. However, after the adoption of the General Plan amendment and the change of zone, the Project will be fully consistent with the goals and policies of the City's General Plan for this area of the City under the existing land use plan and will not conflict with any of the City's policies or regulations adopted to avoid or mitigate an environmental effect. The imposition of Mitigation Measure LU-1, which prohibits the establishment of sensitive receptors near the Project Site, will reduce the impacts to less than significant consistent with goals set by regional planning organizations.

Factual Basis for the Finding: As discussed on pages 5.9-16-27 of the Draft EIR and pages 4-58-59 of the Final EIR, with the adoption of

the required General Plan Amendment and Zone Change, the Project is consistent with all of the City's applicable land use, General Plan and Zoning Goals and Policies, including those designed to avoid or mitigate environmental effects. The Project will be consistent with all of the regional and County plans except that it will be inconsistent with the air quality goals of the South Coast Air Quality Management District, the Southern California Association of Governments' Regional Transportation Plan and the Western Riverside County Council of Governments' Comprehensive Plan but neither the Air Quality Management District nor the Associations have any permitting jurisdiction over the Project. Imposing a buffer immediately south of future Eucalyptus Avenue, which will prohibit the location of residences and other sensitive receptors through the recordation of a deed restriction, will ensure that no sensitive receptors near the Project Site will be affected by adverse air quality impacts emanating from the construction and operation of the Project. Accordingly, Mitigation Measure LU-1, set forth on page 4-13 of the Final EIR, has been imposed as a condition of approval of the Project.

- b. **Potential Significant Impact:** Conflict with an applicable habitat conservation plan or natural communities conservation plan (Impact 5.9-3)

Finding: The Project could conflict with any applicable habitat conservation plan or natural communities conservation plan. However, the imposition of Mitigation Measures BR-2 through BR-4 which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C-1 to the Draft EIR, the Project Site is located within an area which is subject to both the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project

Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, as modified on page 4-8 of the Final EIR, have been imposed as conditions of approval of the Project.

6. NOISE

- a. Potential Significant Impact:** Temporary or periodic increases in ambient noise levels in the Project vicinity above levels existing without the Project (Impact 5.11-3)

Finding: Construction work on the Project Site could result in substantial temporary increases in ambient noise levels for existing residences located along Redlands Boulevard. However, the imposition of Mitigation Measures N-1 through N-5, which require that no construction vehicles use Redlands Boulevard south of future Eucalyptus Avenue, that there be no night time construction within 1200 feet of sensitive receptors, that temporary sound barriers be constructed to ensure that day time construction noise not exceed City standards, that all equipment be kept in good working order and that materials be stockpiled at least 1200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed in Section 5.11 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, off-site construction along Redlands Boulevard, Theodore Street, future Eucalyptus Avenue and the drainage facilities to the south of the Project Site will take place during daylight hours and, with the exception of noisy equipment which will be used for very limited periods of time, there will be no substantial exposure of residents to significant noise impacts. The grading and construction which will take place on the Project Site will take place around the clock for almost a year and would expose nearby residents to noise levels in excess of those allowed under the City's Municipal Code. However, prohibiting construction vehicles on Redlands Boulevard south of future Eucalyptus Avenue, prohibiting nighttime grading within 1,200 feet of

residences south of future Eucalyptus Avenue, the erection of temporary sound barriers, maintaining equipment in good working order and locating material stockpiles at least 1,200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street will ensure that none of the residences will be exposed to noise levels in excess of those allowed by the City's Municipal Code. Accordingly, Mitigation Measures N-1 through N-5, as set forth on pages 5.11-29-30 of the Draft EIR, as modified on pages 4-14-15 of the Final EIR, have been imposed as conditions of approval of the Project.

7. TRANSPORTATION AND TRAFFIC

- a. **Potential Significant Impact:** Substantial increase on traffic load and street capacity (Impact 5.14-1)

Finding: As there is currently little traffic between Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60 any additional traffic by comparison could be considered significant and would cause the intersection of Redlands Boulevard and the SR-60 westbound ramps to exceed the City's level of service during the AM peak hour. However, with the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, the impacts will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.14-15-28 and -39-40 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in the Traffic Study, Appendix J to the Draft EIR, a large number of trucks serving the Project Site will use Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. The City's level of service is D. Without improvements, the intersection of Redlands Boulevard and the SR-60 westbound ramps would be at level of service E in the AM peak hour. Requiring the improvement of the intersection will reduce the impact to less than significant. Accordingly, Mitigation Measure TT-2, set forth on page 5.14-39 of the Draft EIR, as modified on page 4-16 of the Final EIR, has been imposed as a condition of approval of the Project. Although no mitigation is required to reduce any other significant

impact, Mitigation Measures TT-1 and TT-3, set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, have also been imposed as conditions of approval of the Project to ensure that any improvements needed at the intersections of future Eucalyptus Avenue and Redland Boulevard and Theodore Street and at the intersection of Theodore Street and SR-60 will also be constructed.

b. Potential Significant Impact: Cumulative traffic impacts

Finding: Cumulative impacts of the Project, in conjunction with other development, could result in significant adverse impacts on traffic. However, the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, and TT(C)-1 through TT(C)-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, on the Project, together similar mitigation measures imposed on other projects, will reduce the impacts to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-25-32 of the Draft EIR and in the Traffic Study, Appendix J to the Draft EIR, traffic impacts of other projects have the potential to cause a number of intersections to exceed the City's level of service D requirement. Requiring the Project to provide improvements to the intersections of future Eucalyptus Avenue with Redland Boulevards and Theodore Street and at the intersections of SR-60 and Redlands Boulevard and Theodore Street will ensure that the project's impacts will be less than significant. Accordingly, Mitigation measures TT-1 through TT-3, as set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, and TT-1(C) through TT-3(C), set forth on pages 6-32 of the Draft EIR, have been imposed as condition of approval of the Project. The City's General Plan requires that new development mitigate their traffic impacts so that similar mitigation measures will be imposed on other projects.

C. IMPACTS IDENTIFIED IN THE EIR AS BEING SIGNIFICANT AND UNAVOIDABLE EVEN AFTER THE IMPOSITION OF ALL FEASIBLE MITIGATION MEASURES

1. AESTHETICS

- a. Significant Unavoidable Impact:** Substantial adverse effect on a scenic vista (Impact 5.1-1)

Finding: The development of the Project will have a substantial adverse effect on a significant scenic vista and there are no feasible mitigation measures which will reduce the impact to less than significant.

Factual Basis for the Finding: As shown and discussed on pages 5.1-4-25 of the Draft EIR and Appendix M to the Draft EIR, the Project Site is currently vacant except for a single structure and thus is part of a scenic open space vista. In addition, the Project Site as it now exists is somewhat obscured by existing trees and vegetation but does not completely interfere with the views of mountains and foothills to the north, east and south. The development of the Project will block views of these scenic vistas from SR-60, Redlands Boulevard, future Eucalyptus Avenue and Theodore Street along the full length of each of these roadways adjacent to the Project Site. Further, the buildings to be constructed on the Project Site will be visible from higher elevations to the north, the east and the south and will alter the expansive view of the undeveloped property now evidenced from these areas.

These impacts are significant and unavoidable and there are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project.

- b. Significant Unavoidable Impact:** Cumulative aesthetic impacts

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on scenic vistas and there are no feasible mitigation measures which will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 6-5-6 of the Draft EIR, the development of land in the vicinity of the Project Site will add to the loss of scenic vistas which will occur because of the development of the Project. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

2. AGRICULTURAL RESOURCES

- a. **Significant Unavoidable Impact:** Conversion of farmland to non-agricultural use (Impact 5.2-1)

Finding: The development of the Project will have a significant and unavoidable impact on 24.1 acres of Prime Farmland, 98.8 acres of Farmland of Local Importance and 35.5 acres of Other Land which will be converted from agricultural uses into commercial and industrial uses. There are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of

production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

b. Significant Unavoidable Impact: Cumulative loss of farmland

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on farming. There are no mitigation measures which will reduce the impact to less than significant other than prohibiting development on sites now used for agriculture.

Factual Basis for the Finding: As discussed on pages 5.2-5-7 and 6-6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could

be grown if water were available would not cover the costs of production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

3. AIR QUALITY

- a. **Significant Unavoidable Impact:** Violation of an air quality standard or substantial contribution to an existing or projected air quality violation (Impact 5.3-2)

Finding: The construction and operation of the Project will not violate any air quality standards for localized impacts with two exceptions: those promulgated by the South Coast Air Quality Management District for the emission of coarse and fine particulate matter (“PM₁₀” and “PM_{2.5}”) during the construction of the Project. The imposition of Mitigation Measures AQ-1 through AQ-10, which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM₁₀, to less than significant. There are no mitigation measures which will reduce the emission of PM_{2.5} to less than

significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed on pages 5.3-22-40 of the Draft EIR, as modified on pages 4-40-44 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the grading of the Project Site and the operation of the Project will result in the emission of pollutants – nitrogen dioxide (“NO₂”), carbon monoxide (“CO”), PM₁₀ and PM_{2.5}. The South Coast Air Quality Management District has established localized significance thresholds to determine whether the emission of any of the pollutants will have a significant adverse effect on those nearby, both residents and workers. None of the thresholds will be exceeded after the construction of the buildings on the Project Site has been completed and operations begun. The same thing is true for NO₂ and CO during the construction Phases of the Project. However, without mitigation, the thresholds will be exceeded for both PM₁₀ and PM_{2.5}. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the emission of PM₁₀ will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, as set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. However, there are no feasible mitigation measures which will reduce the emissions of PM_{2.5} to less than significant which would feasibly attain most of the basic objectives of the Project.

- b. **Significant Unavoidable Impact:** Cumulatively significant net increase of any criteria pollutant for which the Project area is non-attainment under an applicable federal or state ambient air quality standard (Impact 5.3-3)

Finding: The Project Site is located in a non-attainment area for ozone, PM₁₀ and PM_{2.5}. The grading of the Project Site and the construction of Phase 1 of the Project on the Site could result in emissions of volatile organic compounds ("VOC"), nitrogen oxides ("NO_x"), PM₁₀ and PM_{2.5} in excess of the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10; which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM₁₀, will ensure that the daily amount of PM₁₀ and PM_{2.5} emitted during the grading and construction Phase 1 of the Project will reduce their impacts to less than significant and will reduce the daily amount of the emission of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 2 of the Project will result in the daily amount of emissions of VOC and NO_x in excess of the thresholds promulgated by the South Coast Air Quality Management District; the daily amount of emissions of PM₁₀ and PM_{2.5} will be less than those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 3 of the Project will result in the daily amount of emissions of VOC exceeding the threshold promulgated by the South Coast Air Quality Management District; the daily amount of emissions of NO_x, PM₁₀ and PM_{2.5} will not exceed those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC but not to less than significant.

The daily amount of emissions of VOC, NO_x, PM₁₀ and PM_{2.5} associated with the operation of the Project during all Project Phases will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-21, which require off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of "clean" trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance, and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label, will reduce the daily amount of emissions slightly but in no case will they cause the emissions to be less than significant.

In no case will the daily amount of the emission of CO exceed the threshold promulgated by the South Coast Air Quality Management District during either the grading of the Project Site or the construction of buildings on the Site. The daily amount of emissions of CO will exceed the threshold for CO promulgated by the South Coast Air Quality Management District during all of the three operational Phases of the Project. The imposition of Mitigation Measures AQ-11 through AQ-21 and GCC-5(a), GCC-5(e), GCC-9 and GCC-11, all as described above, will reduce the daily amount of emissions slightly but not to less than significant.

There are no further mitigation measures which will reduce the foregoing impacts to insignificant which would feasibly attain most of the basic objectives of the Project.

The daily amount of emissions of SO_x will be less than the thresholds promulgated by the South Coast Air Quality Management District throughout the grading of the Project Site, the construction of buildings on the Site and the operation of the Project.

Factual Basis for the Finding: As discussed on Section 5.3 of the Draft EIR, as modified on pages 4.40-4.46 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1

to the Draft EIR, the development of the Project has the potential of emitting criteria pollutants, except for SO_x , in excess of the thresholds promulgated by the South Coast Air Quality Management District during the grading of the Project Site, construction of buildings on the Site and the operation of the Project. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the daily amount of emissions of PM_{10} and $PM_{2.5}$ during the grading and construction associated with Phase 1 of the Project will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. The same conditions will reduce the daily amount of emissions of NO_x during the grading and construction associated with Phase 2 of the Project to less than significant but will reduce the daily amount of emissions of VOC only slightly and not below the threshold promulgated by the South Coast Air Quality Management District. The daily amount of emissions of the other criteria pollutants will be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions of VOC associated with the grading and construction of Phase 3 of the Project will exceed the threshold promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10, as described above, will reduce the daily amount of

emissions of VOC slightly but not to less than significant. The daily amount of emissions of the remaining criteria pollutants will all be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions for all three operational phases of the Project, with the exception of SO_x, will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR, all as described above, will reduce the daily amount of emissions of each of the other five criteria pollutants slightly but not to less than significant.

There are no further mitigation measures which will reduce the emissions of the criteria pollutants to less than significant which would feasibly attain most of the basic objectives of the Project. The emissions of VOC and NO_x are associated with the grading of the Project Site and the asphalt, building and architectural coatings for those buildings. The operational emissions are due almost entirely to mobile sources – cars and trucks – over which the City has no control because the Legislature has vested all authority to deal with the emissions from cars and trucks in the California Air Resources Board.

- c. **Significant Unavoidable Impact:** Exposure of sensitive receptors to substantial pollutant concentrations (Impact 5.3-4)

Finding: The development of the Project has the potential to expose sensitive receptors to emissions of PM₁₀ and PM_{2.5} in excess of local significance thresholds promulgated by the South Coast Air Quality Management District and to the risk of cancer from the operation of the Project in excess of the significance threshold of 10 in 1,000,000. The imposition of Mitigation Measures AQ-1 through AQ-21, which require the control of fugitive dust, the acquisition of

Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of "clean" trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance; and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label will reduce the impacts of PM₁₀ and the risk of cancer to less than significant but the risk associated with the emissions of PM₁₀ during the grading and construction associated with Phase 1 of the Project will remain significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed in Section 5.3 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, as amplified and clarified in the Supplemental Health Risk Assessment Report, Appendix D.1 to the Final EIR, and in subsection IV.C.3.a above, the grading, construction and operation associated with the Project has the potential to exceed localized significance thresholds and cancer risks for sensitive receptors near the Project Site. Controlling fugitive dust, acquiring Tier II level construction equipment, to the extent available,

properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, providing bicycle parking spaces and on-site showers, preferential parking for carpools and alternatively fueled vehicles, obtaining LEED, or if not available an approved program to achieve the same level of environmental benefit, certification for the Project, prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label and establishing a buffer area on land immediately south of future Eucalyptus Avenue through a deed restriction will ensure that the risks associated with PM_{2.5} and cancer will be mitigated into insignificance. Accordingly, The imposition of Mitigation Measures AQ-1 through AQ-13, as set forth on pages 5.3-38-39 and -52 of the Draft EIR, as modified on pages 4-2-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, Mitigation measures AQ-1 through AQ-21, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.3-38-39 and -52 of the Draft EIR, as modified on pages 4-2-5 and -19-20 of the Final EIR, have been imposed as conditions of approval of the Project. However, as set forth in the factual basis for the finding in subsection IV.C.3.a above, there are no feasible mitigation measures which will reduce the emissions of PM₁₀ associated with the grading and construction of Phase 1 of the Project to less than significant.

- d. **Significant Unavoidable Impact:** Cumulative contribution to air quality impacts

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on VOC, NO_x, CO, PM₁₀ and PM_{2.5}. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-8-10 of the Draft EIR, in the Air Quality and Health Risk Analysis Report, Appendix D.1 to the Draft EIR, Response 10-2, page 3-99 of the Final EIR and in subsections IV.C.3.a-c above, the air quality pollutants emitted during the operation of the Project, alone or in conjunction with those emitted by surrounding development, will be cumulatively significant. All feasible mitigation measures have been imposed as conditions of approval of the Project. The City will impose feasible mitigation measures on projects seeking approval within the future. However, the air quality problems that exist in the area of the Project are, in most cases, problems affecting the entirety of the South Coast air basin and, as such, are beyond the City's control.

4. NOISE

a. Significant Unavoidable Impact: Cumulative adverse noise impacts

Finding: The development of the Project, in conjunction with the development of related projects and that authorized by the Moreno Highlands Specific Plan will result in significant and unavoidable cumulative noise impacts on houses located near SR-60. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-17-23 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the increase in noise due to the operation of the Project will be small. However, when added to that which can be expected by the use of vehicles on SR-60 from both related projects and the development of the Moreno Highlands Specific Plan area, the result will be that at least one residence east of Theodore Street and several residences located west of Redlands Boulevard will experience a noise increase of more than 3 dB with a future noise level above 65 CNEL, the City's noise level for residential areas. There are no mitigation

measures which will reduce the impacts to less than significant.

5. GLOBAL CLIMATE CHANGE AND GREENHOUSE GASES

- a. Significant Unavoidable Impact:** Hindrance or delay of California's ability to meet the climate reduction targets contained in AB32 (Impact GCC-1)

Finding: The grading and construction associated with the Project will, after the application of all feasible mitigation measures, result in approximately 6,500 metric tons of carbon dioxide equivalent ("CO_{2e}"). The operation of the Project, after the imposition of all feasible mitigation measures, will produce approximately 81,800 metric tons of CO_{2e} per year. In the absence of any quantitative or qualitative threshold of significance for the emissions of CO_{2e}, it must be assumed that the amount of the emissions of CO_{2e}, both during the grading and construction associated with the Project and the operation of the Project will, individually and cumulatively, be a significant and unavoidable impact. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed in Section 5.16 and pages 6-40-41 of the Draft EIR and in the Climate Change Analysis, Appendix N to the Draft EIR, the grading and construction associated with the Project and the operation of the Project will generate substantial amounts of CO_{2e} emissions. There is, currently, neither a quantitative nor a qualitative threshold to be used to determine whether the amount of CO_{2e} emissions is significant. Various thresholds, ranging from no new contributions to over 40,000 metric tons per year, have been proposed. The staff of the South Coast Air Quality Management District has suggested a possible threshold of 10,000 tons of CO_{2e} per year for industrial projects but has not suggested a numerical threshold for non-industrial projects; the District has not yet acted on the proposal. However, the California Air Resources Board and the Office of Planning and Research are considering the adoption of a threshold of significance for CO_{2e} emissions but have not yet decided on that threshold. AB32 requires a reduction of approximately 30% in CO_{2e} emissions over business as usual by 2020 in order to reach the levels emitted in California in 1990. Irrespective of

when or what standards will be adopted by the California Air Resources Board all feasible measures have been implemented in this project in compliance with AB-32.

Incorporating water conservation requirements, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting construction equipment from idling for more than five minutes, controlling traffic around the Project Site, encouraging construction workers to carpool, prohibiting truck idling for more than three minutes per day per truck, providing electricity in the loading area for transportation refrigeration units, designing the Project to meet 2008 Title 24 energy efficiency requirements, using "cool roofs" and "cool paints," installing renewable energy generation on-site to meet the Project's Phase 1 office electricity needs, using ENERGY STAR-qualified energy efficient appliances, providing bicycle storage parking and showers for employees, installing Light Emitting Diodes in any traffic lights which are a part of the Project, providing pedestrian and bicycle connections to surrounding areas, establishing a Transportation Management Association to encourage and coordinate carpooling by occupants of the Project, providing preferential parking for carpools, vanpools and alternatively fueled vehicles, obtaining LEED certification or, if not available, a similar program to achieve the same level of environmental benefit, designing loading docks which will accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features, and prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label will ensure reduction in the amount of emissions of CO_{2e}. Accordingly, Mitigation Measures AQ-1, AQ-3, AQ-4, AQ-5, AQ-7, AQ-11, AQ-12 and GCC-1 through 10, set forth on pages 5.16-9-13 of the Draft EIR, as modified on pages 4-2-6 and -18-21 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR, have been imposed as conditions of approval of the Project. However, there

are no additional feasible mitigation measures which would reduce the impact to less than significant.

b. Significant Unavoidable Impact: Impacts of climate change on the Project (Impact GCC-2)

Finding: Potential impacts of climate change include the exacerbation of air quality problems, reduction in the quality and supply of water from the Sierra snow pack, damage to the natural environment, reduction of in-state electricity production, and an increase in wildfires, all of which could adversely affect the Project. The imposition of Mitigation Measures W-1, which requires the preparation of a planting and irrigation plan for the City's review and approval, GCC-1 through GCC-4, which require increased energy efficiency, the use of "cool" roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, which requires LEED credit in a number of areas, will reduce the Project's need for energy and water slightly but the impact of global climate change on the Project will continue to be significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.16-16-18 of the Draft EIR and the Climate Change Analysis, Appendix N to the Draft EIR, global climate change will affect the Project in various ways. Imposing the mitigation measures discussed in subsection IV.C.5 above will decrease the amounts of water and energy required by the Project after it is in operation but it, like all other projects in California, will be subject to the deleterious impacts of climate change.

V. PROJECT ALTERNATIVES

A. ALTERNATIVE SITES

Finding: There exists no reasonably feasible and available alternative site for the Project which would avoid or substantially lessen the significant impacts of the Project or to allow it to feasibly attain most of the Project's basic objectives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for

reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers's requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also unlikely to be reduced for any otherwise feasible site that would satisfy Skechers's needs.

B. NO PROJECT — NO DEVELOPMENT ALTERNATIVE

Finding: The No Project — No Development Alternative is environmentally superior to the Project but would not attain any of the objectives for the Project.

Factual Basis for the Finding: As discussed on pages 9-3-9 and -36 of the Draft EIR, leaving the Project Site in its current condition would result in no impacts to the environment with the exception that the existing General Plan's designation of the Project Site for development with commercial and industrial uses would not be satisfied. None of the Project's objectives would be met.

C. EXISTING GENERAL PLAN ALTERNATIVE

Finding: Developing the Project Site under the existing General Plan designation and zoning would allow for the development of 1,715,000 sf of business park and 410,000 sf of community commercial uses. The impacts on the environment of development pursuant to the existing General Plan designation and zoning would be roughly comparable to those which would result from the

development of the Project. However, it would not meet any of Skechers's needs nor would it allow Skechers to have the logistics facility available in the very near future at any other reasonably feasible and available site. In addition, due to market conditions, development under the existing General Plan designation and zoning would not currently be feasible and therefore would delay any benefits that development of the Project Site would bring to the City, such as jobs and revenues. Likewise, it would not provide the Project applicant with an adequate rate of return on its investment because there is no market available for development of the Project Site consistent with the existing General Plan designation and zoning.

Factual Basis for the Finding: As discussed on pages 9-9-19 and -36 of the Draft EIR and in the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, there is currently no market for the development of the Project Site consistent with the existing General Plan designation and zoning. The environmental impacts of development of the Project Site consistent with the existing General Plan designation and zoning are roughly comparable to those of the Project with the impacts on aesthetics, noise, public services and utilities being slightly less and those on air quality, geology and soils, hazards and hazardous materials and global climate change being slightly more. Developing the Project Site consistent with the existing General Plan designation and zoning would not allow the Project applicant to achieve its objectives, because it would not be able to provide logistics facilities to Skechers, resulting in delay or denial of providing the City with new jobs and revenues from the development of the Project Site and precluding an adequate rate of return on its investment because there is simply no existing market for development of the Project Site consistent with the General Plan designation and zoning.

D. REDUCED DENSITY ALTERNATIVE

Finding: Developing the Project Site with 1,000,000 sf of logistics use and 200,000 sf of community commercial uses would result in environmental impacts which would be slightly less than those which would result from the development of the Project. However, a reduced density alternative would not allow the Project to attain a number of its basic objectives and would not reduce any

significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-19-26 and -36 of the Draft EIR, the environmental impacts of the reduced project would be marginally less than, or equal to, those of the Project. In particular, impacts on Agricultural Resources, Biological Resources, Cultural Resources Hydrology and Water Quality, Mineral Resources, and Population, Housing and Employment would be the same for the Reduced Density Alternative as for the Project, except that employment opportunities would be reduced. Reductions in most other impacts would be marginal to modest. Only reductions in impacts on Air Quality would be likely to be substantial. However, no significant unavoidable impact of the Project would be reduced to or made capable of mitigation to a level of insignificance. Also, the reduced density alternative would prevent achieving some of the Project's basic objectives. In particular, Skechers would not be provided the size and expandability required by its business objectives. Current market conditions would render the Reduced Density Alternative not reasonably feasible and therefore preclude the Project applicant from obtaining an adequate rate of return on its investment.

E. NORMAL CONSTRUCTION SCHEDULE ALTERNATIVE

Finding: The normal construction alternative would have moderately fewer environmental impacts than the Project. However, it would not allow the Project to attain a number of its basic objectives and would not reduce any significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-27-33 and -36 of the Draft EIR, the normal construction schedule would have a moderately lesser environmental impact on aesthetics, air quality and noise during the construction phase but would otherwise be comparable to the impacts which would result from the development of the Project and make no difference in any impacts during the

operation of the Project. However, Skechers would be delayed in consolidating its operations in a single logistics facility and the City would also be delayed in obtaining the jobs and revenues which the construction and operation of the Project will generate. Therefore, development of the Project Site with a normal construction schedule would delay achievement of most of the basic objectives of the Project and would not be significantly environmentally superior to the Project.

F. ADEQUACY OF THE RANGE OF ALTERNATIVES

Finding: Alternatives consisting of development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also likely to not be

reduced for any site truly feasible for Skechers's objectives.

Because, there are no reasonably feasible and available alternative sites, development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives. The purpose of the Guidelines requirements of studying a reasonable range of alternatives would not be met by constructing additional alternatives that would not meet the basic objectives of the Project. Because Skechers needs are specific as to size, expandability, location and transport accessibility, and without alternative sites as an option, no other alternatives appear feasible which would not defeat at least one basic Project objective.

VI. LOGISTIC MODIFIED GENERAL PLAN CONCEPT

Section 8.3 of the Draft EIR discusses a modification of the Moreno Highlands Specific Plan which would substantially decrease the residential, commercial and business park/light industrial uses of the Specific Plan area and allow the development of substantial logistic facilities, a use not contemplated in the existing Specific Plan. No application for any modification of the Specific Plan has been submitted to the City and there is no guarantee that any application will be submitted. Any modification of the Specific Plan is independent of the development of the Project. Its only connection is that the Project applicant owns both the Project Site and the land which would be affected by a modification of the Specific Plan.

This information was provided solely because the project applicant, the owner of a substantial portion of the land subject to the Specific Plan, is considering the possibility of seeking an amendment of the Specific Plan so that, consistent with CEQA's purpose of providing full information to decision makers and the public, the discussion was included in the Draft EIR.

Specifically, any such amendment to the Specific Plan would require compliance with all of the City's approval process including, but not limited to, a development application, environmental review and new and separate Planning Commission and City Council public hearing. Nothing in the Draft or Final EIR nor in this set of Findings constitutes approval of, or any commitment to approve, any such future application.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in Section IV. above, most of the Project's impacts on the environment will either be insignificant or, through the imposition of mitigation measures as conditions of approval of the Project, can be reduced to less than significant. However, as set forth in subsection VI.C. above, impacts to aesthetics, agricultural resources, air quality, noise and climate change and greenhouse gases will remain significant and unavoidable even after the imposition of all feasible mitigation measures. Further, as set forth in Section V. above, there are no feasible alternatives to the Project which would mitigate or avoid those environmental impacts. Nevertheless, as set forth below, the Council has determined that the benefits which will accrue from the development of the Project outweigh the significant and unavoidable impacts which the Project will produce.

A. AESTHETICS

Finding: Notwithstanding the significant unavoidable impacts to aesthetics discussed in subsection IV.C.1 above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to aesthetics. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on aesthetics which will result.

Factual Basis for the Finding: As set forth in the Project Objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over \$900,000 annually in net revenues to the City.

B. AGRICULTURAL RESOURCES

Finding: Notwithstanding the significant unavoidable impacts to agricultural resources discussed in subsection IV.C.2. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to agricultural resources. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on agricultural resources which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over \$900,000 annually in net revenues to the City.

C. AIR QUALITY

Finding: Notwithstanding the significant unavoidable impacts to air quality discussed in subsection IV.C.3. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to air quality. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on air quality which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over \$900,000 annually in net revenues to the City.

D. NOISE

Finding: Notwithstanding the significant unavoidable noise impacts discussed in subsection IV.C.4. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse noise impacts. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on noise which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over \$900,000 annually in net revenues to the City.

E. CLIMATE CHANGE AND GREENHOUSE GASES

Finding: Notwithstanding the significant unavoidable climate change and greenhouse gases impacts discussed in subsection IV.C.5. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse impact on global climate change. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on climate change and greenhouse gases which will result.

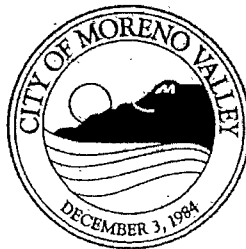
Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over \$900,000 annually in net revenues to the City.

**Mitigation Monitoring Program
Highland Fairview Corporate Park Project**

State Clearinghouse No. 2007101132

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December 23, 2008

INTRODUCTION

CEQA Requirements

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a Mitigation Monitoring Program (MMP) for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The appropriate reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

The Planning Division would coordinate the project monitoring of the mitigation measures with each applicable department or division, while various City departments/divisions would be responsible for monitoring and verifying compliance of specific mitigation measures. (See Mitigation Monitoring and Reporting Summary Chart beginning on page 5.) The City of Moreno Valley Public Works Department (City) would coordinate monitoring of the implementation of all mitigation measures for the project. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation measure; and 3) retention of records in the project file.

Program Objectives

The objectives of the MMP for the Proposed Project include the following:

- To provide assurance and documentation that mitigation measures are implemented as planned;
- To collect analytical data to assist City administration in its determination of the effectiveness of the adopted mitigation measures;
- To report periodically regarding project compliance with mitigation measures, performance standards and/or other conditions; and
- To make available to the public, upon request, the City record of compliance with project mitigation measures.

Overview of the Project

The project site and relevant off-site areas encompass a total of approximately 265.3 acres, development of the site includes approximately 2,420,000 square feet devoted to light industrial logistics uses, and 200,000 square feet of commercial uses. The proposed project includes a Tentative Parcel Map (TPM), a Change of Zone (CZ), a Plot Plan (PP), and a General Plan Amendment (GPA). The Parcel Map would create parcels for two logistics buildings, two commercial projects, and future SR-60 right-of-way. The parcel map would also establish the dedications for required improvements. The Change of Zone would change 6.7 acres of Community Commercial to Light Industrial. The Plot Plan would provide the site plan for the logistics building. The GPA widens the commercial area on the west, reduces the commercial area on the east, and

eliminates a segment of a proposed trail alignment that was contingent upon its feasibility and replaces it with a connection to a planned trail to the east.

Organization of the Mitigation Monitoring Program

The following describes the various sections of the MMP:

- **Introduction** - Provides an overview of CEQA's monitoring and reporting requirements, program objectives, the project for which the program has been prepared, and the manner in which the mitigation monitoring program has been organized.
- **MMP** - Describes the City entities responsible for implementation of the mitigation monitoring plan, the plan scope, procedures for monitoring and reporting, public availability of documents, the process for making changes to the program, types of mitigation measures, and the manner in which monitoring will be coordinated to ensure implementation of mitigation measures.
- **Mitigation Monitoring and Reporting Summary** - Outlines the impacts and mitigation measures, responsible entities, and the timing for monitoring and reporting for each mitigation measure included in the plan.

DESCRIPTION OF PLAN

Mitigation Monitoring Procedures

This MMP delegates responsibilities for monitoring the project, and allows responsible City entities flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. The timing for monitoring and reporting is described in the monitoring and reporting summary table included as part of this program. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

In order to enhance the effectiveness of the monitoring program, the City will utilize existing systems where appropriate. For instance, with any major construction project, the administration generally has at least one inspector assigned to monitor project construction. These inspectors are familiar with a broad range of regulatory issues and will provide first line oversight for much of the monitoring program.

Responsibilities of City include identification of typical mitigation measure-related issues such as noisy equipment, dust, safety problems, etc. Any problems are generally corrected through directions to the contractors, or through other appropriate, established mechanisms. Internal reporting procedures are already in place to document any problems and to address broader implementation issues.

Reporting Procedures

The City would be responsible for monitoring and implementing the mitigation measures included in this monitoring plan.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate City Department (as indicated on the Mitigation Monitoring and Reporting forms) or employs the office's existing reporting process for verification of compliance.
- Responsible entities verify compliance by signing the monitoring and reporting form and/or documenting compliance using their own internal procedures when monitoring is triggered.
- Responsible entities provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented.

The reporting forms prepared by the City would document the implementation status of mitigation measures of the project. The progress reports describe the monitoring status of all project mitigation measures. Project reporting forms and periodic status reports will be available at the City.

The City would also be responsible for assisting their contractor with reporting responsibilities to ensure that they understand their charge and complete their reporting procedures accurately and on schedule.

Public Availability

All monitoring reporting forms, summaries, data sheets, and correction instructions related to the Mitigation Monitoring Program for Highland Fairview Corporate Park would be available for public review upon request at the City of Moreno Valley Department of Public Works offices during normal business hours.

Program Changes

If minor changes are required to the MMP, they would be made in accordance with CEQA and would be permitted after further review by the City. Such changes could include reassignment of monitoring and reporting responsibilities and/or redesign to make any appropriate improvements. No change would be permitted unless the Mitigation Monitoring Program continues to satisfy the requirements of Public Resources Code Section 21081.6.

Types of Mitigation Measures Being Monitored

The Final Environmental Impact Report for the Highland Fairview Corporate Park Project is a "project specific" and "cumulative" evaluation as defined in the CEQA Guidelines.

The Final Environmental Impact Report recommends 63 project specific and cumulative mitigation measures to reduce impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, land use and planning, noise, transportation and traffic, utilities and service systems, and global climate change and greenhouse gases. Compliance with these mitigation measures will be accomplished through administrative controls over project planning and implementation, in this case, through incorporation of specific construction methods, and verification of construction in accordance with these special provisions. Monitoring would be accomplished as described previously under "Reporting Procedures" through verification and certification by personnel.

In general, implementation of the MMP will require the following actions:

- Appropriate mitigation measures would be included in construction documents.
- Departments with reporting responsibilities would review the Final Environmental Impact Report, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance would be addressed by the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance with mitigation measures.

Mitigation Monitoring and Reporting Summary

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Aesthetics							
MM A-1. During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided through directional lighting, shielding, and other similar control measures.	Construction Supervisor	City of Moreno Valley Planning Division	During Construction				
MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of alternative treatment measures may include, but not be limited to the following: <ul style="list-style-type: none"> • Use of color; or • Texture variation; or • Roof line variation. 	Applicant	City of Moreno Valley, Planning Division	Plot Plan Review/Approval				
Air Quality							
Construction MM AQ-1. Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include: <ul style="list-style-type: none"> • Application of water on disturbed soils a minimum of three times per day; • Covering haul vehicles; • Replanting disturbed areas as soon as practical; • Restricting vehicle speeds on unpaved roads to 15 mph; • Suspension of all grading activities during high wind 	Applicant	City of Moreno Valley Public Works, Land Development Division, and the South Coast Air Quality Management District	Prior to Issuance of Grading Permit				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
<p>speeds in excess of 25 mph.</p> <ul style="list-style-type: none"> • A Large Operation notification shall be submitted to the SCAQMD prior to construction. • Project applicant to designate a to designate a person(s) to monitor the dust control program and to order increased watering, as necessary. • Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours. • Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust. • Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1. 							
<p>82 MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment).</p> <p>The applicant shall also provide incentives in the bidding process in selecting grading and construction contractors that propose the use of equipment using Level III diesel particulate filters.</p>	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division	Prior to Construction During Onsite/Offsite Construction (Provide evidence that this has been certified at occupancy)				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.	Construction Supervisor	City of Moreno Valley Planning Division, Public Works, Land Development Division, and the South Coast Air Quality Management District'	Onsite/Offsite Construction				
MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.	Construction Supervisor	City of Moreno Valley, Building and Safety Division	Onsite/Offsite Construction				
MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing	Applicant	City of Moreno Valley, Transportation Engineering Division	Prior to issuance of a grading permit				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Traffic Management Plans for Work Zones.							
MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVL) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html .	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				
MM AQ-7A. <i>Construction Phases.</i> Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch services onsite during construction to minimize the need for offsite vehicle trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division,	Prior to issuance of grading permits. Construction				
MM AQ-7B. <i>Occupancy.</i> Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division	Prior to issuance of Certificate of Occupancy				
MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.	Applicant, Construction Supervision	City of Moreno Valley, Public Works Land Development Division	Construction				
MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.	Construction Supervisor	City of Moreno Valley Public Works Land Development Division	Offsite Construction				
<p>Operations</p> <p>MM AQ-11. All project entrances shall be posted with signs which state:</p> <p>a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and</p> <p>b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.</p>	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to issuance of occupancy permits/Operation				
MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to Issuance of Certificate of Occupancy/ Operation				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
<p>MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.</p>	Applicant	City of Moreno Valley, Planning Division	<p>Submittal of Deed Restriction Documents Prior to Issuance of Building Permits</p> <p>Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy</p>				
<p>MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.</p>	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Plot Plan Approval/Prior to Occupancy Permits				
<p>MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.</p>	Applicant	City of Moreno Valley, Planning Division	Operation (Written Documentation shall be provided)				
<p>MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.</p>	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.	Applicant	City of Moreno Valley, Planning Division, and Transportation Engineering Division	Plot Plan Review/ Approval				
MM AQ-18. Food services shall be provided onsite.	Applicant, Tenants	City of Moreno Valley, Planning Division	Onsite Construction, Operation				
MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.	Applicant, Tenant	City of Moreno Valley, Planning Division and Transportation Engineering Division	Written Evidence of Compliance Shall Be Provided at Occupancy/Operation				
MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				
MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.	City of Moreno Valley	City of Moreno Valley, Transportation Engineering Division	Prior to Certificate of Occupancy For Phase III.				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Biological Resources							
<p>88 MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.</p>	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
<p>MM BR-2. Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.</p>	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of a Grading Permit				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
<p>MM BR-3. A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities.</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 study area during the 30-day pre-construction survey, consultation with the CDFG 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 MBTA and/or CDFG.</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, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.</p>	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
<p>MM BR-4. Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required for Impact 5.4-5 and 5.4-6.</p>	Applicant	City of Moreno Valley Planning Division	Prior to the Issuance of a Building Permit				

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Cultural Resources							
MM CR-1. Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.	Applicant, Construction Supervisor, Consulting Archaeologist	City of Moreno Valley, Planning Division	Prior to Issuance of a Grading Permit (Provide document for review prior to issuance of a Grading Permit)				
MM CR-2. Project-related archaeological monitoring shall include the following constraints: 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; 2. Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected; 3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative. 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. 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 examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or	Applicant, Consulting Archaeologist, Construction Supervisor	City of Moreno Valley Planning Division	During Grading				

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disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.							
MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.	Applicant, Construction Supervisor, Consulting Archaeologist	City of Moreno Valley Planning Division	During Grading				
MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities monitored by the Project Archaeologist.	City of Moreno Valley, Construction Supervisor	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
<p>MM CR-5. Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below:</p> <ol style="list-style-type: none"> Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and, Monitoring may be reduced if the potentially 	Applicant, Construction Supervisor, Consulting Paleontologist	City of Moreno Valley Planning Division, and Land Development Division of the Public Works Department	Prior to Issuance of Grading Permits, During Grading				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
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<p>fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.</p>							
<p>MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.</p> <p>In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. 	<p>Applicant/ Construction Supervisor</p>	<p>City of Moreno Valley, Planning Division</p>	<p>During Grading</p>				

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Geology and Soils							
<p>The project will be subject to the City's Grading Ordinance and all applicable California Building Codes.</p> <p>MM GEO-1. During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.</p>	Applicant, Consulting Geologist	City of Moreno Valley, Planning Division, Building and Safety Division, and Public Works Land Development Division	Onsite Construction During Grading				
Hazards and Hazardous Materials							
<p>MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.</p>	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
<p>MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.</p>	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				

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MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
Land Use and Planning							
MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area. (MM AQ-13)	Applicant	City of Moreno Valley Planning Division	Submittal of Deed Restriction Documents Prior to Issuance of Building Permits Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy				

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Noise							
<p>Temporary Impacts Due to Construction Noise</p> <p>MM N-1. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.</p>	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division	Construction				
<p>MM N-2. No Nighttime Grading within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. No grading activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading shall be shown on the NRCP and grading plan submitted to the City.</p> <p>The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.</p> <p>In the event any new residential units or other noise sensitive land uses are built and occupied in the</p>	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and During Construction				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
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<p>vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP.</p> <p>With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.</p>							

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<p>MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses.</p> <p>In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences.</p> <p>With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.</p>	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and Construction				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
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MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division, Building and Safety Division	During Construction				
MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division, and the Building and Safety Division	Pre-Construction and Construction				
Transportation and Traffic							
MM TT-1. Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Prior to Issuance of Certificate of Occupancy for Phase I				
MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Phase 3 Plot Plan Review, Prior to Issuance of Building Permits for Phase 3				

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project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.							
MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Phase 3, Prior to Issuance of Occupancy Permits				
MM TT(C)-1. Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Prior to Issuance of Certificate of Occupancy for Phase I				
MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				

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basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project.		Division, Riverside County Transportation Department					
MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				
Utilities and Service Systems							
MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components: <ul style="list-style-type: none"> The plans shall incorporate water conservation principles as detailed in the Moreno Valley 	Applicant	City of Moreno Valley Planning Division	Plan Check Review/Prior to Issuance of Building Permit				

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<p>Municipal Code § 9.17.030 Landscape and irrigation design standards.</p> <ul style="list-style-type: none"> Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately. Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant. All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5"). Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications. All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible. Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended 							

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operating pressure of the irrigation system. • The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).							
Global Climate Change and Greenhouse Gases							
MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Prior to Certificate of Occupancy/Phase 1 Office Occupancy				
MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager: a) Onsite secure, weather-protected bicycle storage	Applicant	City of Moreno Valley Planning Division, Building and Safety Division, Public Works, Transportation Engineering Division	Prior to Certificate of Occupancy, Operation				

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<p>parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers.</p> <p>b) Any traffic lights installed as part of this project shall use Light Emitting Diodes.</p> <p>c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan.</p> <p>d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information.</p> <p>e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.</p>							
<p>MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.</p>	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Prior to Certificate of Occupancy				

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<p>MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.</p>	<p>Applicant, Construction Supervisor</p>	<p>City of Moreno Valley Public Works, Land Development Division</p>	<p>Prior to Issuance of Grading Permits</p> <p>During Construction</p>				
<p>MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.</p>	<p>Applicant</p>	<p>City of Moreno Valley Planning Division and Public Works and Development Division</p>	<p>Prior to Issuance of Grading Permit</p> <p>Prior to Certificate of Occupancy</p>				

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MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Submit Prior to Building Permits				
MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of Building Permits/Prior to Construction (Provide Documentation)				
MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.	Applicant, Tenant	City of Moreno Valley, Planning Division	Operation				

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